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# CONSTITUTION

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# STATE OF LOUISIANA

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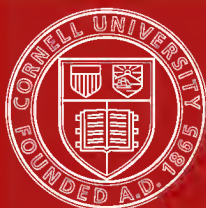
CITY OF BATON ROUGE

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November 22, 1913

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# CONSTITUTION

OF THE

# STATE OF LOUISIANA

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# CONSTITUTION OF LOUISIANA

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## PREAMBLE.

We, the people of the State of Louisiana, grateful to Almighty God for the civil, political and religious liberties we enjoy and desiring to secure the continuance of these blessings, do ordain and establish this Constitution.

## BILL OF RIGHTS.

Article 1. All government, of right, originates with the people, is founded on their will alone and is instituted solely for the good of the whole. Its only legitimate end is to secure justice to all, preserve peace and promote the interest and happiness of the people.

Art. 2. No person shall be deprived of life, liberty or property, except by due process of law.

Art. 3. No law shall ever be passed to curtail or restrain the liberty of speech or of the press; any person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

Art. 4. Every person has the natural right to worship God, according to the dictates of his conscience, and no law shall be passed respecting an establishment of religion.

Art. 5. The people have the right peaceably to assemble and apply to those vested with the powers of government for a redress of grievances by petition or remonstrance.

Art. 6. All courts shall be open, and every person for injury done him in his rights, lands, goods, person or reputation shall have adequate remedy by due process of law and justice administered without denial, partiality or unreasonable delay.

Art. 7. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated and no warrant shall issue except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Art. 8. A well regulated militia being necessary to the security of a free State, the right of the people to keep and

bear arms shall not be abridged. This shall not prevent the passage of laws to punish those who carry weapons concealed.

Art. 9. In all criminal prosecutions the accused shall have the right to a speedy public trial by an impartial jury; provided, that cases in which the penalty is not necessarily imprisonment at hard labor, or death, shall be tried by the court without a jury or by a jury less than twelve in number, as provided elsewhere in this Constitution; provided further, that all trials shall take place in the parish in which the offense was committed, unless the venue be changed. The accused in every instance shall have the right to be confronted with the witnesses against him; he shall have the right to defend himself, to have the assistance of counsel, and to have compulsory process for obtaining witnesses in his favor. Prosecutions shall be by indictment or information; but the General Assembly may provide for the prosecution of misdemeanors on affidavits; provided, that no person shall be held to answer for a capital crime unless on a presentment or indictment by a grand jury, except in cases arising in the militia when in actual service in time of war or public danger; nor shall any person be twice put in jeopardy of life or liberty for the same offense, except on his own application for a new trial, or where there is a mistrial, or a motion in arrest of judgment is sustained.

Art. 10. In all criminal prosecutions, the accused shall be informed of the nature and cause of the accusation against him; and when tried by jury shall have the right to challenge jurors peremptorily, the number of challenges to be fixed by law.

Art. 11. No person shall be compelled to give evidence against himself in a criminal case, or in any proceeding that may subject him to criminal prosecution, except as otherwise provided in this Constitution.

Art. 12. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. All persons shall be bailable by sufficient sureties, unless for capital offenses where the proof is evident or presumption great, or unless after conviction for any crime or offense punishable with death or imprisonment at hard labor.

Art. 13. The privilege of the writ of habeas corpus shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it.

Art. 14. The military shall be in subordination to the civil power.

Art. 15. This enumeration of rights shall not be construed to deny or impair other rights of the people not herein expressed.

### DISTRIBUTION OF POWERS:

Art. 16. The powers of the government of the State of Louisiana shall be divided into three distinct departments, each of them to be confided to a separate body of magistracy, to-wit: Those which are legislative to one, those which are executive to another, and those which are judicial to another.

Art. 17. No one of these departments, nor any person or collection of persons holding office in one of them, shall exercise power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

### LEGISLATIVE DEPARTMENT.

#### APPORTIONMENT.

Art. 18. Representation in the House of Representatives shall be equal and uniform, and shall be based upon population. Each parish and each ward of the City of New Orleans shall have at least one representative. At its first regular session after the adoption of this Constitution, and at its first regular session after each United States census thereafter, the General Assembly shall and it is hereby directed to reapportion the representation among the several parishes and wards of the City of New Orleans on the basis of the total population shown by such census. A representative number shall be fixed and each parish and ward of the City of New Orleans shall have as many representatives as such representative number is contained in the total number of inhabitants of such parish or ward of the City of New Orleans, as shown by the last preceding United States census, and one additional representative for every fraction exceeding one-half the representative number. The number of representatives shall not be more than one hundred and twenty (120), provided that when a new parish or parishes is or are created as authorized by this



Constitution, and the maximum number of representatives has been previously apportioned to other parishes, then such new parish or parishes shall be assigned a representative each in addition to the maximum one hundred and twenty fixed herein, and to that extent the maximum shall be increased, until the next apportionment of representatives is made by the General Assembly at which time the maximum of one hundred and twenty shall be restored. That if there is more than one representative in a parish from which the larger portion of the territory is taken for the purpose of creating a new parish, one of such representatives may be apportioned to the new parish in the same act which creates the parish.

Art. 19. The General Assembly, in every year in which it shall apportion representation in the House of Representatives, shall divide the State into Senatorial Districts. No parish shall be divided in the formation of a Senatorial District, the Parish of Orleans excepted. Whenever a new parish is created, it shall be attached to the Senatorial District from which most of its territory is taken, or to another contiguous district, at the discretion of the General Assembly, but shall not be attached to more than one district. The number of Senators shall not be more than forty-one nor less than thirty-six, and they shall be apportioned among the Senatorial Districts according to the total population contained in the several districts.

Art. 20. Until a reapportionment shall have been made in accordance with Articles 18 and 19, the present apportionment of Senators and Representatives shall remain in force.

#### GENERAL ASSEMBLY.

Art. 21. The legislative power of the State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

Art. 22. The style of the laws of this State shall be: "Be it enacted by the General Assembly of the State of Louisiana."

Art. 23. The General Assembly shall meet at the seat of government on the second Monday in May, 1914, at twelve o'clock noon and bi-ennially thereafter, and the sessions thereof shall be limited to sixty days. Should a vacancy occur in either

House, the Governor shall order an election to fill such vacancy for the remainder of the term.

Art. 24. Every elector under this Constitution, shall be eligible to a seat in the House of Representatives, and every elector who has reached the age of twenty-five years shall be eligible to the Senate; provided, that no person shall be eligible to the General Assembly unless at the time of his election he has been a citizen of the State for five years, and an actual resident of the district or parish or ward of the city of New Orleans from which he may be elected for two years immediately preceding his election. The seat of any member who may change his residence from the district or parish or ward of the City of New Orleans which he represents shall thereby be vacated, any declaration of a retention of domicile to the contrary notwithstanding; and members of the General Assembly shall be elected for a term of four years.

Art. 25. Each House shall be the judge of the qualifications, elections and returns of its own members, choose its own officers, except President of the Senate, determine the rules of its proceedings, and may punish its members for disorderly conduct and contempt, and, with the concurrence of two-thirds of all its members elected, expel a member.

Art. 26. Either House, during the session, may punish by imprisonment any person not a member who shall have been guilty of disrespect, or disorderly or contemptuous behavior; but such imprisonment shall not exceed ten days for each offense.

Art. 27. No Senator or Representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this State which may have been created, or the emoluments of which may have been increased by the General Assembly during the time such Senator or Representative was a member thereof.

Art. 28. The members of the General Assembly shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Art. 29. The members of the General Assembly shall receive a compensation not to exceed five dollars per day during their attendance, and five cents per mile going to and returning from the seat of government.

Art. 30. Each House shall keep a Journal of its proceedings, and cause the same to be published immediately after the close of the session; when practicable, the minutes of each day's session shall be printed and placed in the hands of members on the day following. The original Journal shall be preserved, after publication, in the office of the Secretary of State, but there shall be required no other record thereof.

Art. 31. Every law enacted by the General Assembly shall embrace but one object, and that shall be expressed in its title.

Art. 32. No law shall be revived, or amended by reference to its title, but in such cases the act revived, or section as amended, shall be re-enacted and published at length.

Art. 33. The General Assembly shall never adopt any system or code of laws by general reference to such system or code of laws; but in all cases shall recite at length the several provisions of the laws it may enact.

Art. 34. Not less than a majority of the members of each House of the General Assembly shall form a quorum to transact business, but a smaller number may adjourn from day to day, and shall have power to compel the attendance of absent members.

Art. 35. Neither House, during the sitting of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.

Art. 36. The yeas and nays on any question in either House shall, at the desire of one-fifth of the members elected, be entered on the Journal.

Art. 37. All bills, for raising revenue or appropriating money, shall originate in the House of Representatives, but the Senate may propose or concur in amendments, as in other bills.

Art. 38. No bill, ordinance or resolution, intended to have the effect of a law, which shall have been rejected by either House, shall be again proposed in the same House during the same session, under the same or any other title, without the consent of a majority of the House by which the same was rejected.

Art. 39. Every bill shall be read on three different days in each House, and no bill shall be considered for final passage unless it has been read once in full, and the same has been reported on by a committee; nor shall any bill become a law unless, on its final passage, the vote be taken by yeas and nays, the names of the members voting for or against the same be entered on the Journal, and a majority of the members elected to each House be recorded thereon as voting in its favor; provided, that bills revising the statutes or codes of this State, or adopting a criminal code as a whole, shall be read and promulgated in such manner as may be prescribed by the General Assembly.

Art. 40. No amendments to bills by one House shall be concurred in by the other, nor shall reports of committees of conference be adopted in either House except by a majority of the members elected thereto, the vote to be taken by yeas and nays, and the names of those voting for or against recorded upon the Journal.

Art. 41. Whenever a bill that has been passed by both Houses has been enrolled and placed in possession of the House in which it originated, the title shall be read, and, at the request of any five members, the bill shall be read in full, when the Speaker of the House of Representatives or the President of the Senate, as the case may be, shall at once, sign it in open house, and the fact of signing shall be noted on the Journal; thereupon the Clerk or Secretary shall immediately convey the bill to the other House, whose presiding officer shall cause a suspension of all other business to read and sign the bill in open session and without delay. As soon as bills are signed by the Speaker of the House and President of the Senate, they shall be taken at once, and on the same day, to the Governor by the Clerk of the House of Representatives or Secretary of the Senate.

Art. 42. No law passed by the General Assembly, except the general appropriation act, or act appropriating money for the expenses of the General Assembly, shall take effect until promulgated. Laws shall be considered promulgated ten days after publication in the State Journal. The State Journal shall be published at the capital.

Art. 43. The clerical officers of the two Houses shall be a Secretary of the Senate and Clerk of the House of Representatives, with such assistants as may be necessary; but the expenses

for said officials, including the Sergeant-at-Arms, of each House together with all clerks of committees and all other employes of whatever kind, shall not exceed one hundred dollars daily for the Senate, nor one hundred and twenty dollars daily for the House, and the Chairman of the Committee on Contingent Expenses of each House shall not issue warrants for any compensation in excess of said amounts. No donation of any unexpended balances shall be made as extra compensation or for any other purpose.

Art. 44. All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding and distribution of the laws, journals and department reports, and all other printing and binding, and the repairing and furnishing of the halls and rooms used for the meetings of the General Assembly and its committees, shall be done under contract, to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law.

No member or officer of any of the departments of the government shall be in any way interested in the contracts; and all such contracts shall be subject to the approval of the Governor, the President of the Senate, the Speaker of the House of Representatives, or of any two of them.

#### LIMITATION OF LEGISLATIVE POWERS.

Art. 45. No money shall be drawn from the treasury except in pursuance of specific appropriation made by law; nor shall any appropriation of money be made for a longer term than two years. A regular statement and account of receipts and expenditures of all public moneys shall be published every three months, in such manner as shall be prescribed by law.

Art. 46. The General Assembly shall have no power to contract, or to authorize the contracting, of any debt or liability, on behalf of the State; or to issue bonds or other evidence of indebtedness thereof, except for the purpose of repelling invasion, or for the suppression of insurrection.

Art. 47. The General Assembly shall have no power to grant or authorize any parish or municipal authority to grant any extra compensation, fee or allowance to a public officer, agent, servant, or contractor, nor pay, nor authorize the payment of

any claim against the State or any parish or municipality thereof, under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

Art. 48. The General Assembly shall not pass any local or special law on the following specified subjects:

For the opening and conducting of elections, or fixing or changing the place of voting.

Changing the names of persons.

Changing the venue in civil or criminal cases.

Authorizing the laying out, opening, closing, altering or maintaining roads, highways, streets or alleys, or relating to ferries and bridges, or incorporating bridge or ferry companies, except for the erection of bridges crossing streams which form boundaries between this and any other State.

Authorizing the adoption or legitimation of children or the emancipation of minors.

Granting divorces.

Changing the law of descent or succession.

Affecting the estates of minors or persons under disabilities.

Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury.

Authorizing the constructing of street passenger railroads in any incorporated town or city.

Regulating labor, trade, manufacturing or agriculture.

Creating corporations, or amending, renewing, extending or explaining the charters thereof; provided, this shall not apply to municipal corporations having a population of not less than twenty-five hundred inhabitants, or to the organization of levee districts and parishes.

Granting to any corporation, association, or individual any special or exclusive right, privilege or immunity.

Extending the time for the assessment or collection of taxes, or for the relief of any assessor or collector of taxes from the performance of his official duties, or of his sureties from liability; nor shall any such law or ordinance be passed by any political corporation of this State.

Regulating the practice or jurisdiction of any court, or changing the rules of evidence in any judicial proceeding or inquiry before courts, or providing or changing methods for the collec-

tion of debts or the enforcement of judgments, or prescribing the effects of judicial sales.

Exempting property from taxation.

Fixing the rate of interest.

Concerning any civil or criminal actions.

Giving effect to informal or invalid wills or deeds, or to any illegal disposition of property.

Regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes.

Legalizing the unauthorized or invalid acts of any officer, servant, or agent of the State, or of any parish or municipality thereof.

Art. 49. The General Assembly shall not indirectly enact special or local laws by the partial repeal of a general law; but laws repealing local or special laws may be passed.

Art. 50. No local or special law shall be passed on any subject not enumerated in Article 48 of this Constitution, unless notice of the intention to apply therefor shall have been published, without cost to the State, in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the General Assembly of such bill, and in the same manner provided by law for the advertisement of judicial sales. The evidence of such notice having been published, shall be exhibited in the General Assembly before such act shall be passed, and every such act shall contain a recital that such notice has been given.

Art. 51. No law shall be passed fixing the price of manual labor.

Art. 52. Any member of the General Assembly who has a personal or private interest in any measure or bill proposed, or pending before the General Assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

Art. 53. No money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof, as such, and no preference shall ever be given to, nor any discrimination made against, any church, sect or creed of religion, or any form of religious faith or wor-

ship; nor shall any appropriation be made for private, charitable or benevolent purposes to any person or community; provided, this shall not apply to the Louisiana Hospital for Insane of the State of Louisiana, at Pineville, the East Louisiana Hospital for the Insane, at Jackson, and Louisiana State School for the Deaf, and Louisiana State School for the Blind, the Louisiana Training Institute, and the charity hospitals and public charitable institutions conducted under State authority.

Art. 54. The General Assembly shall have no power to increase the expenses of any office by appointing assistant officials.

Art. 55. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the government, pensions, the public debt and interest thereon, public schools, public roads, public charities and all State institutions; and such bill shall be so itemized as to show for what account each and every appropriation shall be made. All other appropriations shall be made by separate bills, each embracing but one object.

Art. 56. Each appropriation shall be for a specific purpose, and no appropriation shall be made under the head or title of contingent; nor shall any officer or department of government receive any amount from the treasury for contingencies or for a contingent fund.

Art. 57. No appropriation of money shall be made by the General Assembly in the last five days of the session thereof. All appropriations, to be valid, shall be passed and receive the signatures of the President of the Senate and the Speaker of the House of Representatives five full days before the adjournment *sine die* of the General Assembly.

Art. 58. The funds, credit, property or things of value of the State, or of any political corporation thereof, shall not be loaned, pledged or granted to or for any person or persons, association or corporation, public or private; nor shall the State, or any political corporation, purchase or subscribe to the capital or stock of any corporation or association whatever, or for any private enterprise. Nor shall the State, nor any political corporation thereof, assume the liabilities of any political, municipal, parochial, private or other corporation or association whatsoever; nor shall the State undertake to carry on the business of any such corporation or association, or become a part



owner therein; provided, the State, through the General Assembly, shall have power to grant the right of way through its public lands to any railroad or canal; and provided, Police Juries and municipal corporations may, in providing for destitute persons, utilize any charitable institutions within their corporate limits for the care, maintenance and asylum of such persons; and all appropriations made to such institutions for the purpose aforesaid shall be accounted for by them in the manner required of officials entrusted with public funds.

Art. 59. The General Assembly shall have no power to release or extinguish, or to authorize the releasing or extinguishment, in whole or in part, of the indebtedness, liability or obligation of any corporation or individual to the State, or to any parish or municipal corporation thereof; provided, the heirs to confiscated property may be released from all taxes due thereon at the date of its reversion to them.

• Art. 60. No educational or charitable institution, other than the State institutions now existing, or expressly provided for in this Constitution, shall be established by the State, except upon a vote of two-thirds of the members elected to each House of the General Assembly.

#### EXECUTIVE DEPARTMENT.

Art. 61. The Executive Department shall consist of a Governor, Lieutenant Governor, Auditor, Treasurer, and Secretary of State.

Art. 62. The supreme executive power of the State shall be vested in a chief magistrate, who shall be styled the Governor of Louisiana. He shall hold his office during four years, and, together with the Lieutenant Governor, chosen for the same term, shall be elected as follows: The qualified electors for Representatives shall vote for a Governor and Lieutenant Governor at the time and place of voting for Representatives. The return of every election for Governor and Lieutenant Governor shall be made and sealed up separately from the return of election of other officers, and transmitted by the proper officer of every parish to the Secretary of State, who shall deliver them, unopened, to the General Assembly then next to be holden. The members of the General Assembly shall meet on the first Thursday after the day on which they assemble, in the House of Rep-

representatives, to examine, tabulate and count the votes evidenced by said returns. The person having the greatest number of votes for Governor shall be declared duly elected; but in case two or more persons shall be equal and highest in the number of votes polled for Governor, one of them shall be immediately chosen Governor by the joint vote of the members of the General Assembly. The person having the greatest number of votes for Lieutenant Governor shall be declared duly elected Lieutenant Governor; but in case two or more persons shall be equal and highest in the number of votes polled for Lieutenant Governor, one of them shall be immediately chosen Lieutenant Governor by the joint vote of the members of the General Assembly.

Art. 63. No person shall be eligible to the office of Governor, or Lieutenant Governor, who shall not have attained the age of thirty years, been ten years a citizen of the United States, and resident of the State for the same period of time next preceding his election; or who shall hold office under the United States at the time of or within six months immediately preceding the election for such office; nor shall any person who shall have been elected, qualified and served as Governor be eligible as his own successor; provided, however, that he may again be eligible to the office at the expiration of one or more terms after the term for which he shall have served.

Art. 64. The Governor and Lieutenant Governor shall enter on the discharge of their duties the first Monday next ensuing the announcement by the General Assembly of the result of the election for Governor and Lieutenant Governor; and each shall continue in office until the first Monday next succeeding the day that his successor shall have been declared duly elected, and shall have taken the oath, or affirmation, required by the Constitution.

Art. 65. The Governor shall receive a salary of five thousand dollars *per annum*, payable monthly, on his own warrant.

Art. 66. In case of a vacancy in the office of Governor, the order of succession shall be first the Lieutenant Governor, and second the President *pro tempore* of the Senate.

In case of the inability of the Governor to act as such by reason of his absence from the State or otherwise, all the powers and duties of the office shall devolve upon the Lieutenant Governor who shall act as Governor *ad interim*; and in case both the

Governor and Lieutenant Governor are unable to act as Governor by reason of absence from the State or otherwise, then all the powers and duties of the office of Governor shall devolve upon the President *pro tempore* of the Senate who shall act as Governor *ad interim*.

Should there be a vacancy in the office of Governor, and there be no Lieutenant Governor or President *pro tempore* of the Senate to fill the vacancy, and should the Governor, Lieutenant Governor, and President *pro tempore* of the Senate be unable to act as Governor by reason of absence from the State or otherwise, then all the powers and duties of the office of Governor shall devolve upon the Secretary of State who shall act as Governor until a new President *pro tempore* of the Senate may be elected and qualified or until the disability of the Governor, Lieutenant Governor or President *pro tempore* of the Senate to act be removed.

Art. 67. The Lieutenant Governor, or President, *pro tempore*, or Secretary of State, discharging the duties of the Governor, shall, during his administration, receive the same compensation to which the Governor would have been entitled had he continued in office.

Art. 68. The Lieutenant Governor shall be *ex-officio* President of the Senate, but shall only have a casting vote therein. The Senate shall elect one of its members as President *pro tempore* of the Senate.

Art. 69. The Lieutenant Governor shall receive for his services a salary of fifteen hundred dollars per annum, payable monthly on his own warrant. In the event of a vacancy in the office of Lieutenant Governor by death, resignation, or any other cause, the President *pro tempore* of the Senate shall fill the office of Lieutenant Governor, performing all the duties incident to the office, and receiving its emoluments.

Art. 70. The Governor shall have power to grant reprieves for all offenses against the State; and, except in cases of impeachment, or treason, shall, upon the recommendation in writing of the Lieutenant Governor, Attorney-General, and Presiding judge of the court before which the conviction was had, or of any two of them, have power in his discretion to grant pardons, commute sentences, and remit fines and forfeitures, after conviction. In case of treason he may grant reprieves until

the end of the next session of the General Assembly, in which body the power of pardoning is vested.

Art. 71. He shall nominate and, by and with the advice and consent of the Senate, appoint all officers whose offices are established by this Constitution and whose appointments, or elections, are not herein otherwise provided for; provided, however, that the General Assembly shall have the right to prescribe the mode of appointment or election to all offices created by it.

Art. 72. The Governor shall have the power to fill vacancies that may happen during the recess of the Senate, in cases not otherwise provided for in this Constitution, by granting commissions which shall expire at the end of the next session; but no person who has been nominated for office and rejected shall be appointed to the same office during the recess of the Senate. The failure of the Governor to send to the Senate the name of any person appointed for office, as herein provided, shall be equivalent to a rejection.

Art. 73. He may require information in writing from the officers in the executive departments upon any subject relating to the duties of their respective offices. He shall be Commander-in-Chief of the Militia of the State, except, when they shall be called into actual service of the United States.

Art. 74. He shall, from time to time, give to the General Assembly information respecting the affairs of the State, and recommend to its consideration such measures as he may deem expedient.

Art. 75. He shall take care that the laws be faithfully executed, and he may, on extraordinary occasions, convene the General Assembly at the seat of government, or, if that should have become dangerous from an enemy or from an epidemic, at a different place. The power to legislate shall be limited to the objects specially enumerated in the proclamation convening such extraordinary session; therein the Governor shall also limit the time such session may continue; provided, it shall not exceed thirty days. Any legislative action had after the time so limited, or as to objects not enumerated in said proclamation, shall be null and void.

Art. 76. Every bill which shall have passed both houses shall be presented to the Governor. If he approves it, he shall

sign it; if not, he shall return it, with his objections in writing, to the house in which it originated, which house shall enter the objections at large upon the Journal, and proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members elected to that house shall agree to pass the bill, it shall be sent, with the objections to the other house, by which likewise it shall be reconsidered; and if passed by two-thirds of the members elected to that house, it shall be a law; but in such cases the votes of both houses shall be taken by yeas and nays, and the names of the members voting for and against the bill shall be entered on the Journal of each house, respectively. If any bill shall not be returned by the Governor within five days after it shall have been presented to him, it shall be a law in like manner as if he signed it, unless the General Assembly, by adjournment, shall prevent its return, in which case it shall not be a law.

Art. 77. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

Art. 78. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, except on a question of adjournment, or matters of parliamentary proceeding, or an address for removal from office, shall be presented to the Governor, and before it shall take effect, be approved by him, or, being disapproved, shall be repassed according to the rules and limitations prescribed for the passage of bills over the executive veto.

Art. 79. The Treasurer, Auditor, Attorney General, and Secretary of State, shall be elected for a term of four years, by the qualified electors of the State, at the time and place of voting for Representatives; and in case of vacancy caused by death, resignation, permanent absence, or otherwise, of any of said officers, the Governor shall fill the vacancy by appointment, with the advice and consent of the Senate; provided, the Secretary of State shall have authority to appoint an assistant, who shall be known as Assistant Secretary of State, and, who in the absence

of the Secretary of State, or in case of his disability, inability to act, or under his direction, shall have authority to perform all the acts and duties of the office of Secretary of State. The Secretary of State shall have authority to remove the Assistant Secretary of State at pleasure.

Art. 80. The Treasurer shall not be eligible as his own immediate successor.

Art. 81. The Auditor of Public Accounts shall receive a salary of five thousand dollars per annum. The Treasurer shall receive a salary of four thousand dollars per annum. The Secretary of State shall receive a salary of five thousand dollars per annum. Each of said officers shall be paid monthly, and no fees, or perquisites or other compensation, shall be allowed them; provided, that the fees now, or which may hereafter be fixed by law to be charged by the Secretary of State, shall be collected and paid over by him monthly to the State Treasurer to be placed to the credit of the General Fund.

Art. 82. Appropriations for the clerical and all other expenses of the officers named in the preceding article shall specify each item of appropriation, and for all purposes shall not exceed in any one year for the State Treasurer the sum of thirty-six hundred dollars; and for all purposes for any one year for the Auditor of Public Accounts the sum of eight thousand dollars; and for all purposes for any one year for the Secretary of State, including the salary of the Assistant Secretary of State, and all expenses of the Insurance Department, the sum of ten thousand dollars.

Art. 83. All commissions shall be in the name and by the authority of the State of Louisiana; and shall be sealed with the State seal, signed by the Governor, and countersigned by the Secretary of State.

## JUDICIARY DEPARTMENT.

Art. 84. The judicial power of the State shall be vested in a Supreme Court, in Courts of Appeal, in District Courts, in justices of the peace, and in such other courts as are hereinafter provided for.

Art. 85. The Supreme Court, except as hereinafter provided, shall have appellate jurisdiction only, which jurisdiction shall extend to all cases where the matter in dispute, or the fund

to be distributed, whatever may be the amount therein claimed, shall exceed two thousand dollars, exclusive of interest; to suits for divorce and separation from bed and board, and to all matters arising therein; to suits involving alimony, for the nullity of marriages, or for interdiction; to all matters of adoption, emancipation, legitimacy, and custody of children; to suits involving homestead exemptions, and to all cases in which the constitutionality or legality of any tax, toll or impost whatever, or of any fine, forfeiture, or penalty imposed by a municipal corporation, shall be in contestation, whatever may be the amount thereof, and to all cases wherein an ordinance of a municipal corporation or a law of this State has been declared unconstitutional, and in such cases the appeal on the law and the facts shall be directly from the court in which the case originated to the Supreme Court; and to criminal cases on questions of law alone, whenever the punishment of death or imprisonment at hard labor may be inflicted, or a fine exceeding three hundred dollars, or imprisonment exceeding six months, is actually imposed. Said court shall have such original jurisdiction as may be necessary to enable it to determine questions of fact affecting its own jurisdiction in any case pending before it, or it may remand the case; and shall have exclusive original jurisdiction in all matters touching professional misconduct of members of the bar, with power to disbar under such rules as may be adopted by the court.

Art. 86. The Supreme Court shall be composed of one Chief Justice and four Associate Justices, a majority of whom shall constitute a quorum. The Chief Justice and Associate Justices shall each receive a salary of not less than Five Thousand Dollars per annum, payable monthly on his own warrant. They shall each be elected for a term of twelve years. In case of death, resignation, retirement, or removal from office of any Justice, the vacancy shall be filled by the selection by the Court of a Judge of one of the Courts of Appeal from a Supreme Court District other than that in which such vacancy shall occur until the next ensuing congressional election, when it shall be filled by election for a full term of twelve years. They shall be citizens of the United States and of this State, over thirty-five years of age, learned in the law, and shall have practiced law in this State for ten years preceding their election or appointment.

The Chief Justice or any of the Associate Justices of the Supreme Court may retire on full pay when he shall have reached seventy-five years of age, provided said Justice has served continually, not less than fifteen years prior to his said retirement.

The Legislature shall provide by proper appropriation for the salaries of retired Justices in the same manner as it provides for other judicial expenses.

Art. 87. The State shall be divided into four Supreme Court districts, and the Supreme Court shall always be composed of justices elected from said districts. The parishes of Orleans, St. John the Baptist, St. Charles, St. Bernard, Plaquemines, and Jefferson, shall compose the first district, from which two justices shall be elected.

The parishes of Caddo, Bossier, Webster, Bienville, Claiborne, Union, Lincoln, Jackson, Caldwell, Ouachita, Morehouse, Richland, Franklin, West Carroll, East Carroll, Madison, Texas, Concordia, Catahoula and La Salle, shall compose the second district, from which one justice shall be elected.

The parishes of DeSoto, Red River, Winn, Grant, Natchitoches, Sabine, Vernon, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Rapides, Avoyelles, Point Coupee, West Baton Rouge, Iberville, St. Landry, Evangeline, Acadia, Lafayette, and Vermilion, shall compose the third district, from which one justice shall be elected.

The parishes of St. Martin, Iberia, St. Mary, Terrebonne, Lafourche, Assumption, Ascension, St. James, East Baton Rouge, East Feliciana, West Feliciana, St. Helena, Livingston, Tangipahoa, St. Tammany, and Washington shall compose the fourth district, from which one justice shall be elected.

The Justices of the Supreme Court, as now constituted, shall serve until the expiration of their respective terms, and their successors shall be elected each for a term of twelve years at the Congressional Election next preceding such expiration of term.

When the office of Chief Justice becomes vacant, either by death, resignation, removal from office, or otherwise, the Associate Justice who has served the longest time shall, by virtue of said length of service, become Chief Justice.



Art. 88. The Supreme Court shall hold an annual session in the City of New Orleans, beginning not later than the first Monday in the month of November and ending not sooner than June 30th, in each year. It shall appoint its own clerks and remove them at pleasure. The General Assembly shall make the necessary appropriations to provide suitable and commodious buildings for said Court, and the records thereof, and for the care and maintenance of the State Library.

Art. 89. No judgment shall be rendered by the Supreme Court without the concurrence of three justices. Whenever three members cannot concur in any case, in consequence of the recusation of any member or members of the court, or for any other cause, the court shall have authority to call on any judge or judges of the Courts of Appeal, or District Courts, whose duty it shall be, when so called upon, to sit in such case.

Art. 90. All judges, by virtue of their office, shall be conservators of the peace throughout the State. The style of all process shall be "The State of Louisiana." All prosecutions shall be carried on in the name and by the authority of the State of Louisiana, and conclude: "Against the peace and dignity of the same."

Art. 91. The judges of all courts shall refer to the law by virtue of which every definitive judgment is rendered, and in every case they shall adduce the reasons on which their judgment is founded. Service of citation shall not be waived, nor judgment confessed, by any document under private signature executed prior to the maturity of the obligation sued on.

Art. 92. The decisions of the Supreme Court shall be reported under the direction of the court; the publication thereof shall be let out by contract to the lowest bidder, who need not be a citizen of the State.

Concurring and dissenting opinions shall not be published.

The General Assembly shall annually appropriate the sum of two thousand dollars, as salary of stenographers to be appointed by the court, and for the use of the justices thereof.

Art. 93. The Supreme Court, and each of the justices thereof, shall have power to issue the writ of habeas corpus, at the instance of any person in actual custody, in any case where it may have appellate jurisdiction.

Art. 94. The Supreme Court shall have control and general supervision over all inferior courts. The court, or any justice thereof, shall have power to issue writs of certiorari, prohibition, mandamus, quo warranto, and other remedial writs.

Art. 95. In all cases where there is an appeal from a judgment rendered on a reconventional, or other incidental demand, the appeal shall lie to the Court having jurisdiction of the main demand.

Art. 96. Except as herein provided, no duties or functions shall ever be attached by law to the Supreme Court, Courts of Appeal, or District Courts, or to the several justices, or judges thereof, except such as are judicial, and the said justices and judges are prohibited from receiving any fees of office, or other compensation than their salaries, for any official duty performed by them. No judicial powers, except as committing magistrates in criminal cases, shall be conferred on any officer other than those mentioned in this title, except such as may be necessary in towns and cities; provided, the General Assembly shall have the power to abolish justice of the peace courts in wards containing cities of more than five thousand inhabitants, and to create in their stead courts with such civil jurisdiction as is now vested in justices of the peace, and with criminal jurisdiction which shall not extend beyond the trial of offenses not punishable by imprisonment at hard labor under the laws of this State, and of violations of municipal and parochial ordinances, and the holding of preliminary examinations in cases not capital. Provided, the compensation of the judges of such courts shall be paid by the parishes and cities in which they are established, in such proportions as may be provided by law.

#### ATTORNEY GENERAL.

Art. 97. There shall be an Attorney General for the State, who shall be elected by the qualified electors of the State at large every four years. He shall be learned in the law, and shall have actually resided and practiced law, as a licensed attorney, in the State, for five years preceding his election. He shall receive a salary of five thousand dollars per annum, payable monthly on his own warrant.

There shall be two Assistant Attorneys General for the State, who shall be appointed by the Attorney General and be removable at his will.

They shall have the same qualifications as the Attorney General.

They shall take charge of and attend to all such legal matters as the State may be interested in, or be a party to, and shall prosecute and defend all suits wherein the State may be a party or may have an interest, when thereto assigned by the Attorney General, and shall generally do, perform and discharge all such other duties as may be assigned to them by the Attorney General; and they shall represent him and act for him and in his stead whenever he may be absent from the State, or be temporarily disabled, from any cause, from acting himself in any matter; and they shall discharge such other duties as may be imposed, and exercise such other powers as may be conferred by law, on the Attorney General. They shall receive the following annual salaries, payable monthly on their own warrants, to-wit: One, Four Thousand Dollars (\$4,000.00), and the other, Three Thousand Five Hundred Dollars (\$3,500.00.)

#### COURTS OF APPEAL.

Art. 98. The Courts of Appeal, except as otherwise provided in this Constitution, shall have appellate jurisdiction only, which jurisdiction shall extend to all cases, civil and probate, of which the Civil District Court for the Parish of Orleans or the District Courts throughout the State have exclusive original jurisdiction and of which the Supreme Court is not given jurisdiction, when the matter in dispute or the fund to be distributed shall not exceed two thousand dollars, exclusive of interest, and all appeals shall be both upon the law and the facts.

Art. 99. The Courts of Appeal shall consist of three judges each. They shall be citizens of the United States and qualified electors of this State, learned in the law and shall have practiced law in this State for six years, and shall have been actual residents of the district from which they are elected or appointed for at least two years preceding their election or appointment. They shall receive a salary of four thousand dollars each per year, except that the judges of the Court of Ap-

peal for the Parish of Orleans shall receive a salary of five thousand dollars each per year, payable monthly on his own warrant, and the Legislature shall make adequate appropriation to pay the same.

Art. 100. Exclusive of the parishes whose appeals are returnable to the Court of Appeal for the Parish of Orleans, the State shall be divided into two circuits, to be subdivided into districts as hereinafter provided.

Until otherwise provided by law, the Parishes of East Baton Rouge, West Baton Rouge, Livingston, Tangipahoa, Washington, St. Helena, Pointe Coupee, Iberville, St. Mary, Terrebonne, Assumption, Lafourche, Ascension, Calcasieu, Allen, Beauregard, Jefferson Davis, Cameron, Vermilion, Lafayette, Iberia, St. Martin, St. Tammany, Acadia, East Feliciana, West Feliciana, St. Landry, Evangeline and Vernon shall compose the first circuit and be known as the "Court of Appeal, First Circuit, State of Louisiana," and the Parishes of Caddo, Bossier, Webster, Bienville, Claiborne, Union, Lincoln, Jackson, Caldwell, Winn, Natchitoches, Sabine, DeSoto, Red River, Ouachita, Richland, Franklin, Catahoula, LaSalle, Concordia, Tensas, Madison, East Carroll, West Carroll, Morehouse, Avoyelles, Rapides and Grant, shall compose the second circuit, and be known as the "Court of Appeal, Second Circuit, State of Louisiana."

The circuits above provided for, until otherwise provided by law, shall be divided in three districts each, as follows:

The parishes of Calcasieu, Allen, Beauregard, Jefferson Davis, Cameron, Vermilion, Lafayette, St. Martin, Acadia, St. Landry, Evangeline, Vernon and Iberia shall compose the first district of the first circuit.

The Parishes of West Baton Rouge, Ascension, Pointe Coupee, Iberville, St. Mary, Terrebonne, Assumption and Lafourche, shall compose the second district of the first circuit.

The Parishes of East Baton Rouge, Livingston, Tangipahoa, St. Helena, St. Tammany, East Feliciana, West Feliciana and Washington shall compose the third district of the first circuit.

The Parishes of Richland, Concordia, East Carroll, West Carroll, Franklin, Catahoula, LaSalle, Tensas, Ouachita, Madison and Morehouse shall compose the first district of the second circuit.

The Parishes of Bienville, Claiborne, Jackson, Lincoln, Cald-

well, Union, Bossier, Winn, Webster and Grant shall compose the second district of the second circuit.

The Parishes of Caddo, DeSoto, Natchitoches, Rapides, Sabine, Avoyelles and Red River, shall compose the third district of the second circuit. For each of the circuits there shall be elected three judges, as herein provided for, one judge to be elected by the qualified electors of each district as above designated.

The courts of appeal as now organized and established are hereby recognized and confirmed, and the successors of the several judges now composing the said courts shall be elected at the expiration of their several terms for a term of eight years by the qualified electors of each respective district, the election to take place at the same time and place as the Congressional election, next preceding the expiration of their terms. In case of death, removal or resignation from office of any judge, the vacancy shall be filled by appointment by the Governor, with the advice and consent of the Senate, until the next Congressional election, at which time his successor shall be elected. The Courts of Appeal may arrange for an interchange of judges from one circuit to the other when a member of the court is unable to attend from sickness or other cause. Until otherwise provided by the General Assembly, the Court of Appeal of the first circuit shall hold sessions of court at Baton Rouge, Amite, New Iberia, Houma, Franklin, Opelousas, Crowley, Lake Charles, Thibodaux and Donaldsonville, and such other places as may be designated by said Court of Appeal, and the Court of Appeal for the second circuit shall hold sessions of court at Monroe, Shreveport, Alexandria, Natchitoches, Vidalia, Tallulah, and Ruston, and such other places as may be designated by said Court of Appeal. The sessions of said Courts of Appeal shall continue in each circuit for a period of ten months, beginning on the first Monday of September of each year, and ending on the last day of June in the following year; and said courts shall convene at the several places named as the public business may require, and shall keep their courts in session at such places until the cases before them are heard and finally determined. Until otherwise provided by law, the time and place for the return of appeals shall be fixed by said courts.

Art. 101. The judges of the Courts of Appeal shall have power to certify to the Supreme Court any question or proposition of law arising in any cause pending before them concerning which they desire the instruction of that court, for its proper decision; and thereupon the Supreme Court may either give its instruction on the question or proposition certified to it, which shall be binding upon the Court of Appeal in such case, or it may require that the whole record be sent up for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been on appeal directly to the Supreme Court. It shall be competent for the Supreme Court to require by certiorari, or otherwise, any case to be certified from the Courts of Appeal to it for its review and determination, with the same power and authority in the case, as if it had been carried directly by appeal to the said court; provided, that the Supreme Court shall in no case exercise the power conferred on it by this article, unless the application be made to the court, or to one of the justices thereof, not later than thirty days after the decision of the Court of Appeal has been rendered and entered.

Art. 102. No judgment shall be rendered by the Courts of Appeal without the concurrence of two judges and when from any cause two judges cannot agree they shall appoint a district judge or a lawyer having the qualifications of a judge of the Court of Appeal to sit in the case. And should two judges of the Court of Appeal be absent, recused or unable to serve, the remaining judge shall appoint district judges or lawyers with the aforesaid qualifications to sit in the case.

In the Court of Appeal for the Parish of Orleans when for any cause two judges cannot concur or in case of absence, recusation, or disability, the court or one judge thereof, should two be unable to serve, shall select a district judge or judges to sit in the case.

Art. 103. All cases on appeal to the Courts of Appeal shall be tried on the original record, pleadings, and evidence.

Art. 104. The rules of practice regulating appeals to and proceedings in the Supreme Court shall apply to appeals and proceedings in the Courts of Appeal, so far as they may be applicable, until otherwise provided. The Courts of Appeal, and each of the judges thereof, shall have power to issue the writ

of habeas corpus at the instance of any person in actual custody within their respective circuits.

Art. 105. The Courts of Appeal and each of the Judges thereof, shall also have authority to issue writs of mandamus, prohibition, and certiorari, in aid of their appellate jurisdiction.

Art. 106. The sheriff of the parish in which the sessions of the Courts of Appeal are held, shall attend in person or by deputy, to execute the orders of said courts, and the Clerk of the District Court of the parish in which the sessions of the Courts of Appeal are held shall serve as clerk thereof, and shall attend sessions of said court, either in person or by deputy, until otherwise provided by the General Assembly. The costs of appeal in any case appealed to the Courts of Appeal, of the first and second circuits, shall not exceed five dollars. The police juries of the various parishes of the State in which the sessions of the Courts of Appeal are held, shall provide suitable rooms for the holding of said courts, so as not to interfere with the sessions of the district and other courts.

#### DISTRICT COURTS.

Art. 107. The State shall be divided into not less than twenty nor more than thirty-two judicial districts, the Parish of Orleans excepted. Until otherwise provided by law there shall be Thirty Districts.

Art. 108. The Parish of Caddo shall compose the first district.

The Parishes of Bossier and Webster shall compose the second district.

The Parishes of Claiborne and Bienville shall compose the third district.

The Parishes of Union and Lincoln shall compose the fourth district.

The Parishes of Jackson and Winn shall compose the fifth district.

The Parishes of Ouachita and Morehouse shall compose the sixth district.

The Parishes of West Carroll and Richland shall compose the seventh district.

The Parishes of Franklin and Catahoula shall compose the eighth district.

The parishes of Madison and East Carroll shall compose the ninth district.

The parishes of Concordia and Tensas shall compose the tenth district.

The Parishes of Natchitoches and Red River shall compose the eleventh district.

The Parishes of De Soto, Sabine and Vernon shall compose the twelfth district.

The Parishes of Rapides and Grant shall compose the thirteenth district.

The Parish of Avoyelles shall compose the fourteenth district.

The Parishes of Calcasieu, Allen, Beauregard, Jefferson Davis and Cameron shall compose the fifteenth district.

The Parishes of St. Landry and Evangeline shall compose the sixteenth district.

The Parish of Vermilion shall compose the seventeenth district.

The Parishes of Acadia and Lafayette shall compose the eighteenth district.

The Parishes of Iberia and St. Martin shall compose the nineteenth district.

The Parishes of Terrebonne and Lafourche shall compose the twentieth district.

The Parishes of Iberville, West Baton Rouge and Pointe Coupee shall compose the twenty-first district.

The Parish of East Baton Rouge shall compose the twenty-second district.

The Parish of St. Mary shall compose the twenty-third district.

The Parishes of East Feliciana and West Feliciana shall compose the twenty-fourth district.

The Parishes of St. Helena, Livingston and Tangipahoa shall compose the twenty-fifth district.

The Parishes of Washington and St. Tammany shall compose the twenty-sixth district.

The Parishes of Ascension, St. James and Assumption shall compose the twenty-seventh district.

The Parishes of St. John the Baptist, St. Charles and Jefferson shall compose the twenty-eighth district.



The Parishes of St. Bernard and Plaquemines shall compose the twenty-ninth district .

The Parishes of Caldwell and LaSalle shall compose the thirtieth district.

The Judges of the several districts as herein provided for, shall each receive a salary of Three Thousand Dollars per annum, payable monthly on his own warrant, provided the General Assembly may, in their discretion, redistrict the judicial districts provided for in this Article.

Article 109. The district courts, except in the Parish of Orleans, shall have original jurisdiction in all civil matters where the amount in dispute shall exceed fifty (\$50) dollars, exclusive of interest and in all cases where the title to real estate is involved, or to office or other public positions, or civil or political rights, and all other cases where no specific amount is in contest, except as otherwise provided in this Constitution.

They shall have unlimited and exclusive original jurisdiction in all criminal cases except such as may be vested in other courts authorized by this Constitution; and in all probate and succession matters, and where a succession is a party defendant, and in all cases where the State, a parish, municipality or other political corporation is a party defendant, regardless of the amount in dispute; and of all proceedings for the appointment of receivers or liquidators to corporations or partnerships; and said court shall have authority to issue all such writs, process and orders as may be necessary or proper for the purpose of the jurisdiction herein conferred upon them.

There shall be one district judge in each judicial district, except in the First, Fifteenth and Twenty-first judicial districts, where until otherwise provided by law there shall be two (2) district judges, but judges of the Twenty-first judicial district shall not be residents of the same parish.

And the judges of the Fifteenth (15th) judicial district shall not be residents of the same parish after the expiration of the terms of the present incumbents.

District judges shall be elected by a plurality of the qualified voters of their respective districts, in which they shall have been actual residents for two years next preceding their election. They shall be learned in the law, and shall have practiced law in this State five years previous to their election.

District judges under this Constitution shall be elected on the Tuesday after the first Monday in November, 1916, and every four years thereafter.

Vacancies occasioned by death, resignation, or otherwise, where the unexpired portion of the term is less than one year, shall be filled for the remainder of the term by appointment by the Governor, with the advice and consent of the Senate. In all cases where the unexpired portion of the term is one year or more, the vacancy shall be filled by special election, to be called by the Governor, and held within sixty days of the occurrence of the vacancy, under the general election laws of the State.

Art. 110. The General Assembly shall not have power to increase the number of district judges in any district.

Art. 111. The District Courts shall have jurisdiction of appeals from justices of the peace in all civil matters, regardless of the amount in dispute, and from all orders requiring a peace bond. Persons sentenced to a fine or imprisonment, by Mayors or Recorders, shall be entitled to an appeal to the District Court of the parish, upon giving security for fines and costs of court, and in such cases trial shall be *de novo* and without juries.

Art. 112. The General Assembly shall provide by law for the interchange of district judges; and also for the trial of recused cases in the district courts by the selection of licensed attorneys-at-law, by an interchange of judges or otherwise; said lawyers, sitting for recused judges, to have all qualifications required for district judges except that of residence in the district. Whenever any district judge is prevented by disability or any other cause whatever, from holding his court, or in case of vacancy in the office of judge, and that fact is made to appear by the certificate of the clerk, under the seal of the court, to the Supreme Court, or to any justice thereof, if in the judgment of the court, or any justice, the public interest so requires, the court or such justice shall designate and appoint a district judge of another district to hold said court and discharge all the judicial duties of the judge so disabled during said disability, or until the vacancy is filled. Such appointment shall be filed in the clerk's office and entered on the minutes of said District Court, and a certified copy thereof, under the seal of the court,

shall be transmitted by the clerk of the District Court to the district judge so designated and appointed.

Art. 113. Wherever in this Constitution the qualification of any justice or judge shall be the previous practice of the law for a term of years, there shall be included in such term the time such justice or judge shall have occupied the bench of any court of record in this State; provided, he shall have been a licensed attorney for five years before his election or appointment.

Art. 114. No judge of any court of the State shall be affected in his term of office, salary, or jurisdiction as to territory or amount, during the term or period for which he was elected or appointed. Any legislation so affecting any judge or court shall take effect only at the end of the term of office of the judge or judges, incumbents of the court, or courts, to which such legislation may apply at the time of its enactment. This article shall not affect the provisions of this Constitution relative to impeachment or removal from office.

Art. 115. The district judges shall have power to issue the writ of *habeas corpus* at the instance of any person in actual custody in their respective districts.

Art. 116. The General Assembly shall provide for the selection of competent and intelligent jurors. All cases in which the punishment may not be at hard labor shall, until otherwise provided by law, be tried by the judge without a jury. Cases in which the punishment may be at hard labor shall be tried by a jury of five, all of whom must concur to render a verdict; cases in which the punishment is necessarily at hard labor, by a jury of twelve, nine of whom concurring may render a verdict; cases in which the punishment may be capital, by a jury of twelve, all of whom must concur to render a verdict.

Art. 117. District Courts shall hold continuous sessions during ten months of the year. In districts composed of more than one parish, the judge shall sit alternately in each parish, as the public business may require. Until otherwise provided by law, judgments shall be signed after three days from the rendition thereof, and become executory ten days from such signing.

The General Assembly shall provide for the drawing of juries for the trial of civil and criminal cases. A grand jury

of twelve, nine of whom must concur to find an indictment, shall be empanelled in each parish twice in each year, and shall remain in office until a succeeding grand jury is empanelled; except in the Parish of Cameron, in which at least one grand jury shall be empanelled each year. The district judges shall have authority to try at any time misdemeanors, and, when the jury is waived, all cases not necessarily punishable at hard labor, and to receive pleas of guilty in cases less than capital.

### JUVENILE COURTS.

Art. 118. Juvenile Courts throughout the State are established as follows:

Section 1. There shall be in the Parish of Orleans a separate Court to be known as the Juvenile Court for the Parish of Orleans. The judge of the said court shall be a qualified elector of the Parish of Orleans, at least forty (40) years of age, shall have practiced law in the State for five (5) years prior to his election, and shall be elected for a term of four (4) years at each recurring general State election. He shall receive a salary of Three Thousand Dollars (\$3,000) a year, payable monthly upon his own warrant. The Juvenile Court shall be in continuous session throughout the year, provided that the judge shall be entitled to a vacation of one month, and that in case of his absence or recusation, the court shall be presided over by one of the judges of the Criminal District Court. Appeals from the said court shall be allowed upon matters of law only and shall be direct to the Supreme Court. The City of New Orleans shall provide suitable quarters for said court, which shall be in a building separate from that of any of the criminal courts, and shall make necessary provision for the conduct of the business of the said court and provide for the expense of the same.

The judge of the said Juvenile Court in the Parish of Orleans may commission the agent of the Society for the Prevention of Cruelty to Children, or some other reputable person or persons, either male or female, as Probation Officers, one of whom shall be designated the Chief Probation Officer. Said Probation Officers shall be present in court when cases assigned to them as hereinafter provided, are heard, to represent the interest of the child. They shall make such investigations of each case and take such charge of the child before or after trial as

may be directed by the Court. Probation officers are hereby invested with all the power and authority of sheriffs to make arrests and perform other duties incident to their office.

Sec. 2. Each District Court outside of the Parish of Orleans, when in session under the provisions of this act, shall be known, for convenience, as the Juvenile Court; and all sessions of said Juvenile Court shall be held apart from all other sessions; and the records of the proceedings of said Juvenile Court shall be kept separate from the records of all the other proceedings of said District Court. Said court may sit in chambers, and shall hold its sessions irrespective of the terms of court. The respective judges of said District Courts outside of the Parish of Orleans shall have authority to appoint one or more discreet persons of either sex to serve as probation officers. It shall be unlawful for any of the officers of any Juvenile Court to collect or for any persons to pay any costs of court for any official services rendered by said court or its officers.

Sec. 3. The Juvenile Court in the Parish of Orleans, and the District Courts outside of said parish, sitting as Juvenile Courts, shall have jurisdiction, except for capital crimes, of the trial of all children under seventeen years of age who may be charged in said courts as neglected or delinquent children, and of all persons charged with contributing to the neglect or delinquency of children under seventeen years of age, or with a violation of any law now in existence or hereafter enacted for the protection of the physical, moral or mental well-being of children, not punishable by death or hard labor. Said court shall also have jurisdiction of all cases of desertion or non-support of children by either parent. The term "neglected" child shall mean any child seventeen years of age, and under, not now or hereafter inmates of a State institution, found destitute, or dependent on the public for support, or without proper guardianship, or whose home, by reason of the neglect, cruelty, depravity or indigence of its parents, guardians, or other persons, is an unfit place for such child, or having a single surviving parent undergoing punishment for crime, or found wandering about the streets at night without being on any lawful business. The term "delinquent" child shall mean any child seventeen years of age and under, not now or hereafter inmates of a State in-

stitution, found begging or receiving alms, or being in any street, road or public place for the purpose of begging or receiving alms, or peddling any article or singing or playing any musical instrument in any street, road or public place, for alms, or accompanying any person so engaged; or found living in any house of prostitution or assignation or with any vicious or disreputable person or frequenting the company of reputed criminals or prostitutes, or visiting any saloon or place of entertainment where spirituous liquors or wines or intoxicating or malt liquors are sold, exchanged or given away, or found in any policy shop, pool room, bucket shop, race track or where any gambling game or gambling device is operated, or found habitually wandering around any railroad tracks or yards or jumping or attempting to jump on any moving train or street car for the purpose of stealing a ride, or entering any car or engine without lawful authority; or found to be incorrigible or habitually using vile, obscene or indecent language or guilty of immoral conduct in public places or around school houses, or growing up in idleness and crime, or who, without the consent of parents or guardians or custodians, absents himself from his home or place of abode, or runs away from any State institution or institution of charity to which he may be confined, or violates any law of the State or any ordinance of any village, town, city, or parish of the State.

Sec. 4. When a child is charged, or any person is charged, with an offense in respect of any child and said child is alleged to be under any given age and shall appear to the court to be under that age, such child shall be presumed under that age, unless the contrary be proved. All proceedings against neglected and delinquent children shall be by affidavit, made before the clerk of the court or any committing magistrate by any reputable person, charging the child with being neglected or delinquent, and briefly setting forth in general terms the facts constituting said neglect or delinquency; and when made by the District Attorney or a probation officer, may be upon information and belief. Upon the filing of such affidavit, the court shall issue a summons to the person having the custody of said child, to appear with the child on the day following the service of said summons; and failure to comply with the order of the court shall subject

the person summoned to punishment as in case of contempt. Whenever it shall appear to the court that said summons has proven or is likely to prove ineffectual, or whenever the court in its discretion considers it expedient, a warrant may be issued for the arrest of the person with whom the child may be, or for the arrest of the child itself. Pending the trial, the courts throughout the State, may permit the child to remain in the possession of the person having the custody of said child, or may place it in the custody of any person, association, or institution deemed proper in the judgment of the court. The court may require a bond from such person for the appearance of the child; and upon the custodian's failure to produce said child when directed to do so, the court may, in addition to declaring the bond forfeited, punish said person as in case of contempt. Such bond shall be received by the clerk of court. Outside the Parish of Orleans the court may entrust the child to the sheriff, who shall keep the child in some suitable place, apart from the jail, to be provided by the parish, and the Police Jury of said parish shall have the power to contract for the care of any such child or children with any association or institution situated in the State of Louisiana, possessing facilities for the proper care and safekeeping of such children, and shall allow a reasonable per diem for the care of such child, together with the actual expense of transportation all of which shall be paid by the parish on itemized vouchers; provided that the Governor of the State may at any time, upon the disapproval of the State Board of Charities and Corrections certified to him, order an abrogation of said contract. In the Parish of Orleans the court may turn the child over to the chief probation officer to be placed in the care of some proper association or institution, for whose compensation the City of New Orleans shall provide a reasonable per diem; but in no instance, shall the court commit any child to any jail or other lock up. No police officer, sheriff, probation officer, or other peace officer arresting a child in the commission of a violation of any of the provisions of this Constitution, or under any other circumstances, shall place said child in any such police station, jail or other lock-up or book said child in any such police station, or jail, with any offense, or make any record in said station or jail of such arrest; and any officer violating any of the terms of this article shall be guilty

of a misdemeanor, and, upon a conviction thereof, shall be fined in a sum not exceeding One Hundred Dollars; provided, that in the Parish of Orleans the child shall be turned over to the custody of the chief probation officer until the proper action may be taken by the court. In all preliminary proceedings against the child, he need not appear in person, but in the discretion of the court, may be represented by the probation officer. In said Juvenile Court in the Parish of Orleans, and in the District Courts outside said parish sitting as Juvenile Courts, all proceedings against adults shall be by affidavit, information or indictment in the same manner as now required by law. Immediately upon the filing of any affidavit or information (or indictment) in said Juvenile Court the clerk of said Court shall furnish a copy of the same to the probation officer, who shall institute an investigation of the case without delay. In trials hereunder, children and adults shall be entitled to counsel and, in proper cases, where children are unable to procure counsel, the court, in its discretion, may appoint an attorney to defend them. In the trial of all cases under this article, all facts connected therewith, and all surrounding circumstances including the environment and history of the child, together with any character of evidence, which the court in its discretion, may deem proper shall be admissible in evidence, and the testimony of the probation officer assigned to the case shall be admissible as to the result of his investigation. In the trial of adults under this article, the District Attorney may conduct the prosecution, provided counsel may be retained by persons interested in the child to assist therein, and the District Attorney may authorize the attorney of any association organized for the care of delinquent or neglected children, to conduct said prosecution in the name of the State. Notice of all trials shall be sent to the proper probation officer. The trial of juveniles and adults, white children and colored children shall be at separate sessions of the court. No charges or affidavits made, evidence given or judgment rendered against any child in any Juvenile Court shall be at any time thereafter admissible against such child in any other proceedings in any other court of the State. Whenever a child shall be found to be neglected within the meaning of this article, the court may commit it to the care of some State institution or to some citizen of good moral char-



acter or to some association or institution, embracing within its objects the care of neglected children. In case of a child found to be delinquent within the meaning of this article, the court, in cases where the delinquency charge would, in an adult, amount to a crime punishable at hard labor may commit said child to the State Training Institute, and in all other cases to the State Training Institute, or to any other institution within the State organized for the care of delinquent children. Said commitment may be for an indefinite period, but in no case beyond the minority of the child. A child committed to any institution, shall be subject to the control of the Board of Managers thereof, under the supervision of the court; and the said board, with the approval of the court, shall have the power to parole said child on such conditions as it shall prescribe; and the court shall, on the recommendation of said board, discharge such child, whenever in the court's judgment, its reformation is complete. Whenever the interest of the child shall require, the court may defer its judgment, continuing the hearing from time to time, and may commit the care of the child to a probation officer; and may allow such child to remain at home or in some suitable family without cost to the State, or in any institution deemed proper by the court, subject always to the visitation and supervision of the probation officer, and such child shall report to the probation officer of the court as often as may be required, or may be returned to the court for further action whenever deemed necessary by said court, in which event the court may discharge the child, or continue the probation, or make any other disposition of said child authorized by this article. The court may, at any time, require from institutions or associations receiving or desiring to receive children under the provisions of this article such information and reports as it may deem proper; and the court may, at any time, when the care and discipline of children committed to such institution or association shall be found to be unsatisfactory, remove such children therefrom; and every such association or institution shall be subject to the same visitation and supervision by the State Board of Charities and Correction as the public charitable institutions of the State, and in the Parish of Orleans to the visitation and inspection and supervision of the Board of Prison and Asylum Commissioners; and every such

association or institution shall at such time as the State Board of Charities and Correction may direct, make reports thereto showing its condition and management, its competency to adequately care for such children as may be committed to it and such other facts as said Board may require. Between the first and fifteenth of January of each year, the clerks in the District Courts in the Parishes outside of the Parish of Orleans, and of the Juvenile Court in the Parish of Orleans, shall submit to the State Board of Charities and Corrections a report in writing, upon blanks to be furnished by said Board, showing the number and disposition of dependent and delinquent children, and the number, character and disposition of adults, brought before said court, together with such other useful information regarding such cases, and the parentage of such children as may be reasonably obtained at the trial thereof; provided that the names or identity of such children shall not be disclosed in such report. The expenses incident to the operation of the courts provided for herein other than the salary of the judges shall be paid by the respective parishes. These provisions shall be liberally construed to the end that the purposes may be carried out, to-wit: That the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, provided that the word child in this article shall not apply to emancipated minors.

Sec. 5. Except in parishes which contain an incorporated town of more than seven thousand inhabitants, the provisions of this Constitution shall be inoperative, provided that whenever the Police Jury of any parish shall desire to have the said provisions extend to such parish, the said Police Jury shall, by resolution duly adopted make application to the Governor of the State, requesting that the effect and operation of the said provisions shall be extended to said parish, whereupon the Governor shall issue his proclamation which shall be published in said parish and in the Official Journal at the Capital, declaring the said provisions in effect and operation in said parish, and the same shall thereafter be in full force, operation and effect.

#### SHERIFFS AND CORONERS.

Art. 119. There shall be a sheriff and a coroner elected by the qualified voters of each Parish in the State, except in the

Parish of Orleans, who shall be elected at the general election and hold office for four years. The coroner, except in the Parish of Orleans, shall act for and in place of the sheriff, whenever the sheriff shall be a party interested, and whenever there shall be a vacancy in the office of sheriff, until such vacancy shall be filled, and if there be no coroner then the District Court may make a temporary appointment, but he shall not, during such vacancy, discharge the duties of tax collector. The sheriff, except in the Parish of Orleans, shall be *ex-officio* collector of State, parish and all other taxes except municipal taxes.

He shall give separate bonds for the faithful performance of his duty in each capacity. Until otherwise provided, the bonds shall be given according to existing laws.

Sheriffs elected or appointed shall furnish bonds within thirty days from the date of their commissions, in default of which the office shall be declared vacant.

All vacancies occurring in the office of sheriff, by death, resignation or otherwise, where the unexpired portion of the term is one year or more, shall be filled by special election, to be called by the Governor and held within sixty days of the occurrence of such vacancy under the general election laws of this State. In all cases where the vacancy is less than one year, the Governor shall appoint for the remainder of the term.

Art. 120. The sheriff shall receive compensation from the parish for his services in criminal matters,—the keeping of prisoners, conveying convicts, insane persons, juveniles, lepers, and other persons committed to any institution of the State, service of process from another parish, and service of process or the performance of any duty beyond the limits of his own parish excepted,—not to exceed five hundred dollars per annum for each Representative the parish may have in the House of Representatives.

The compensation of sheriffs as tax collectors shall not exceed five per cent on all sums collected and paid over; provided, that they shall not be discharged as tax collectors until they make proof that they have exhausted the legal remedies to collect taxes.

Art. 121. The coroner in each parish shall be a doctor of medicine, regularly licensed to practice, and shall be *ex-officio* parish physician; provided, this article shall not apply to any

parish in which there is no regularly licensed physician who will accept the office.

#### CLERKS.

Art. 122. There shall be a clerk of the District Court in each parish, the Parish of Orleans excepted, who shall be *ex-officio* clerk of the Court of Appeal.

He shall be elected by the qualified electors of the parish every four years, and shall be *ex-officio* parish recorder of conveyances, mortgages, and other acts, and notary public.

He shall receive no compensation from the State or parish for his services in criminal matters.

He shall give bond and security for the faithful performance of his duties in such amount as shall be fixed by the General Assembly.

Art. 123. The General Assembly shall have power to vest in clerks of court authority to grant such orders and to do such acts as may be deemed necessary for the furtherance of the administration of justice; and in all cases the powers thus vested shall be specified and determined.

Art. 124. Clerks of District Courts may appoint, with the approval of the District Judges, deputies with such powers as shall be prescribed by law; and the court shall have the power to continue one of them in office as clerk in the event of a vacancy in the office of clerk, until his successor shall be appointed or elected, and qualified.

All elections to fill vacancies occasioned by death, resignation or removal shall be for the unexpired term, and the Governor shall fill the vacancy until an election can be held. Provided, that the election to fill said vacancy shall be held within sixty days from the date that the vacancy occurs, provided if such unexpired term is for a shorter period than one year, the appointee of the Governor shall hold the office for said term.

#### DISTRICT ATTORNEYS.

Art. 125. There shall be a district attorney for each judicial district in the State, who shall be elected by the qualified electors of the judicial district at the same time and for the same term as is provided in Article 109 for District Judges. He shall receive a salary of one thousand dollars per annum, paya-

ble monthly on his own warrant. He shall be an actual resident of the district and a licensed attorney in this State. He shall also receive fees; but no fee shall be allowed in criminal cases, except on conviction, which fee shall not exceed five dollars in each case of misdemeanor. All elections to fill vacancies occasioned by death, resignation or removal shall be for the unexpired term; and the Governor shall fill the vacancy until an election can be held. Provided, that the election to fill said vacancy shall be held within sixty days from the date the vacancy occurs. Provided, if such unexpired term is for a shorter period than one year, the appointee of the Governor shall hold office for said term.

#### JUSTICES OF THE PEACE AND CONSTABLES.

Art. 126. In each parish, the Parish of Orleans excepted, there shall be as many justices of the peace as may be provided by law. The present number of justices of the peace shall remain as now fixed until otherwise provided. They shall be freeholders and qualified electors and possess such other qualifications as may be prescribed by law. They shall be elected for the term of four years by the qualified voters within the territorial limits of their jurisdiction.

They shall have exclusive original jurisdiction in all civil matters, when the amount in dispute shall not exceed fifty dollars, exclusive of interest, and original jurisdiction concurrent with the District Court when the amount in dispute shall exceed fifty dollars, exclusive of interest, and shall not exceed one hundred dollars, exclusive of interest; including suits for the ownership or possession of movable property not exceeding said amounts in value, and suits by landlords for possession of leased premises, when the monthly or yearly rent, or the rent for the unexpired term of the lease does not exceed said amounts. They shall have no jurisdiction in succession or probate matters, or when a succession is a defendant, or when the State, parish or any municipality or other political corporation, is a party defendant, or when title to real estate is involved. They shall receive such fees in civil matters as may be fixed by law. They shall have criminal jurisdiction as committing magistrates, and shall have power to bail or discharge in cases not capital or nec-

essarily punishable at hard labor. The General Assembly may by general or special laws invest justices of the peace in general or in any particular parish or parishes with criminal jurisdiction over misdemeanors to be tried with a jury composed of not more than five nor less than three persons, in such manner as may be provided by law, with the right of appeal to the District Court in all cases, not appealable to the Supreme Court, as hereinbefore provided for.

Art. 127. There shall be a constable for the court of each justice of the peace in the several parishes of the State, who shall be elected for a term of four years, by the qualified voters within the territorial limits of the jurisdiction of the several justices of the peace. They shall receive such fees in civil matters as may be fixed by law.

Art. 128. Justices of the peace and constables shall receive no fees in criminal matters, nor in peace bond cases, but, in lieu thereof such salaries as may be fixed by the police jury, and paid by the parish, which salaries shall be graded.

#### FEES.

Art. 129. The General Assembly shall provide a general fee bill, or bill of costs, regulating and fixing the fees and compensation allowed sheriffs, clerks and recorders, justices of the peace, constables, and coroners, in all civil matters. The General Assembly may provide in all civil cases for the service of process and pleadings by the litigants themselves.

#### COURTS AND OFFICERS FOR THE PARISH OF ORLEANS, AND CITY OF NEW ORLEANS.

Art. 130. Except as herein otherwise provided, the judicial officers of the Parish of Orleans, and of the City of New Orleans, shall be learned in the law, and shall have resided and practiced law or shall have held judicial position in this State for five years, and shall have been actual residents of the City of New Orleans for at least two years next preceding their election or appointment.

Art. 131. There shall be a Court of Appeal, to be known and designated as the Court of Appeal for the Parish of Orleans,

which shall be composed of three judges, who shall be learned in the law and who shall have practiced law in this State for six years, and shall have been residents of one of the parishes hereinafter named for at least two years next preceding their election or appointment, and they shall be elected by the qualified electors of the said parishes. Said Court shall sit in the City of New Orleans, and shall hold its session from the second Monday of October until the end of the month of June in each year.

The Judges of said court shall each serve for a term of eight years and shall be elected at the congressional election preceding the expiration of their terms. The terms of the present judges of said court shall expire respectively on the first days of January, 1917, 1919 and 1921.

Vacancies occasioned by death, resignation, or otherwise, shall be filled for the unexpired terms by appointment by the Governor, with the advice and consent of the Senate.

Until otherwise provided by law all appeals within its jurisdiction from the parishes of Orleans, St. James, St. John the Baptist, St. Charles, Jefferson, Plaquemines and St. Bernard shall be returnable to said court.

There shall be a clerk of said Court of Appeal, who shall be elected by the qualified voters of said parishes for the term of four years; he shall be entitled to charge and retain as his compensation such fees as may be allowed by law. Said clerk shall appoint, if necessary, deputy clerks and shall fix and pay their salaries. He shall give bond in the sum of five thousand dollars, which bond shall be examined in open court by the judges of the Court and all testimony given in said examination shall be reduced to writing and made of record; he may be removed by the court for the same causes and in the same manner as are hereinafter provided for the Clerk of the Civil District Court for the Parish of Orleans; he may act as minute clerk of the court or may appoint a deputy to that position.

Said Court of Appeal for the Parish of Orleans shall have appellate jurisdiction from the City Courts of New Orleans in all cases.

All such appeals shall be tried *de novo*, and the judges of the Court of Appeal may provide rules that one or more of

the judges shall try such cases, which they shall be authorized to decide immediately after trial, and without written opinions.

Art. 132. There shall be two District Courts for the Parish of Orleans, and no more. One of said courts shall be known as the Civil District Court, and the other as the Criminal District Court. For the Civil District Court there shall be not fewer than five judges, and for the Criminal District Court not fewer than two judges, who shall be elected by a plurality of the qualified electors of the Parish of Orleans for the term of twelve years, and who shall each receive an annual salary of four thousand dollars, payable upon his own warrant, in equal monthly installments.

Art. 133. The Civil District Court shall have exclusive and general original probate jurisdiction, and exclusive original civil jurisdiction, in all cases where the amount in dispute or the fund to be distributed, shall exceed one hundred dollars, exclusive of interest; and exclusive jurisdiction in suits by married women for separation of property, in suits for separation from bed and board, for divorce, for nullity of marriage, or for interdiction, and in suits involving title to immovable property, or to office or other public position, or civil or political rights; and in all other cases, except as hereinafter provided, where no specific amount is in contest, and of all proceedings for the appointment of receivers or liquidators to corporations or partnerships. And said court shall have authority to issue all such writs, process and orders as may be necessary or proper for the purpose of the jurisdiction herein conferred upon it.

Art. 134. All cases after being filed in said Civil District Court shall be allotted or assigned among the judges thereof, in accordance with rules to be adopted by said Court, unless otherwise provided by law.

Art. 135. Judgments homologating accounts, which have been duly advertised, when not opposed, or so far as not opposed, may be rendered and signed either in term time or vacation; and by any judge, in the absence or disability of the judge to whom the case has been allotted.

Art. 136. The judges of said Civil District Court shall be authorized to adopt rules, not in conflict with law, regulating the allotment, assignment and disposition of cases, the order



in which they shall be tried, and the proceedings in such trials, and to sit *en banc* for the purpose of testing the bonds and sureties of the clerk of the court, the recorder of mortgages, the register of conveyances, and the civil sheriff; for the trial and removal of the clerk and civil sheriff, or either of them, for the selection of jurors, and in other cases when the action of the court as a whole is required. When sitting *en banc* the judge who has been longest in continuous service in said court, and in his absence the judge longest in service of those present, shall preside; and when a certificate or authentication from the court is required such judge shall be authorized to sign the same as presiding judge. The court may, by its rules, grant the presiding judge further authority not in conflict with these provisions. Provided, that in rendering judgments *en banc*, the court shall conform, as far as practicable, to the rules and practice of the Supreme Court.

Art. 137. There shall be one clerk for the Civil District Court, who shall be elected by the voters of said parish for the term of four years. His qualifications and duties, except as herein provided, shall be as fixed by law; he shall furnish bond in the sum of twenty thousand dollars, which bond shall be examined by the court, and all testimony given in such examination shall be reduced to writing and filed of record in the court. He shall charge and collect the fees prescribed by the General Assembly, and shall dispose of the same as hereinafter provided; the amount of his compensation shall be three thousand six hundred dollars per annum.

Said clerk shall be authorized, with the approval of the judges of the Civil District Court, to appoint deputies and other assistants; and he may remove them at pleasure, or the court may remove them. Each judge of the Civil District Court shall appoint one minute clerk, who shall be sworn as deputy clerk, and shall receive an annual salary of eighteen hundred dollars in equal monthly installments.

The minute clerk appointed by the judge of the Civil District Court longest in continuous service in said court, as hereinabove provided, shall be *ex-officio* minute clerk of the court when sitting *en banc*, and shall receive, as additional compensation, three hundred dollars per annum, which shall be paid in like manner as his other compensation. The clerk of the Civil

District Court shall be removable by the judges of said court sitting *en banc*, upon proof, after trial, without 'a jury, of gross or continued neglect, incompetency, or unlawful conduct, operating injury to the court or to any individual, and a majority of said 'judges shall be competent to render judgment in the case. Such trial and the lodging of complaints leading thereto, shall be regulated by rules which shall be adopted by the judges of 'the Civil District Court and of the Criminal District Court in joint session.

Art. 138. The Civil District Court shall select a solvent, incorporated bank in New Orleans as a judicial depository, in which, unless otherwise ordered by the court, shall be deposited all money as soon as the same shall come into the hands of the clerk or sheriff, 'and such deposits shall not be removed in whole or in part without an order from the judge seized with jurisdiction.

Art. 139. The Criminal District Court shall 'have exclusive original jurisdiction for the trial and punishment of all offenses when the penalty of death, imprisonment at hard labor or imprisonment without hard labor for any time exceeding six months, or a fine exceeding three hundred dollars may be imposed, and appellate jurisdiction in all cases tried before the City Criminal Courts, or Recorders' 'Courts of New Orleans, which cases shall be appealable on the law and the facts, and shall be tried on the record and the evidence as made and offered in 'the lower court. Said court shall have general criminal jurisdiction extending to all 'cases arising in the Parish of Orleans, the jurisdiction of which is not vested by law or by this Constitution in some other court. 'Said court shall have general and supervisory jurisdiction over all inferior State and municipal criminal courts in the Parish of Orleans, and shall have authority to issue writs of *habeas corpus*, in criminal and quasi-criminal cases, and such other writs and orders as may be necessary or proper in aid of the jurisdiction conferred upon it; and to adopt rules not in conflict with law, regulating the order of preference, and proceedings in the trial of cases, and the method of allotting or assigning such cases, and of re-allotting and re-assigning them, in case of vacancy in the office, recusation, absence or disability of one or more of the judges, or in

case such action is deemed necessary for the proper administration of justice. All prosecutions instituted in, and all cases appealed to said Criminal District Court shall be equally allotted or assigned by classes among the judges, and each judge, or his successor, shall have exclusive control over any case allotted or assigned to him, from its inception to its final determination in said court, except as herein otherwise provided.

There shall be one clerk of the Criminal District Court, who shall be elected by the voters of the Parish of Orleans, for the term of four years. His qualifications and duties, except as herein provided, shall be as fixed by law. He shall furnish bond in the sum of ten thousand dollars, which bond shall be examined by the court, in like manner as the bond of the clerk of the Civil District Court. He shall receive an annual salary of three thousand dollars, which shall be paid by the City of New Orleans, in equal monthly installments, and he shall receive no other compensation. He shall appoint, with the approval of the court, such deputies, at such salaries, as may be fixed by law. Said deputies may be removed at the pleasure of the clerk of the court, and their salaries shall be paid by the City of New Orleans.

Each judge of said court shall appoint a minute clerk, who shall be sworn as a deputy clerk, and shall receive an annual salary of eighteen hundred dollars, which shall be paid by the City of New Orleans, in the same manner as the salary of the clerk. One of the said minute clerks, to be designated by the judge longest in continuous service in said court, shall be *ex-officio* minute clerk of said court when sitting *en banc*, and shall receive, as additional compensation, three hundred dollars per annum, which shall be paid in like manner as his other compensation. The said clerk shall be removable by the judges of the Criminal District Court for the causes, and in the manner prescribed for the removal of the clerk of the Civil District Court.

Art. 140. There shall be in the City of New Orleans two inferior criminal courts, to be known respectively as the First City Criminal Court of the City of New Orleans, and the Second City Criminal Court of the City of New Orleans, each of which shall be presided over by one judge, and which shall have

jurisdiction within the territory hereinafter prescribed, for the trial without jury and the punishment of all offenses against the State where the penalty does not exceed six months' imprisonment in the parish jail or a fine of \$300, or both; in all other cases the judges of said courts shall have jurisdiction as committing magistrates, with authority to commit, bail or discharge.

The territorial jurisdiction of the First City Criminal Court shall extend over the First, Fourth, Sixth and Seventh municipal districts of New Orleans; and the Second City Criminal Court over the Second, Third and Fifth municipal districts of said city. In case of vacancy in the office, recusation, disability or absence with or without leave, of either of said judges, it shall be the duty of the other judge to issue warrants of arrest for the apprehension of parties accused within the jurisdiction of the judge he replaces, and to make any order of commitment or admitting to bail that may be necessary and proper and might, in due course, have been made by the judge within whose jurisdiction the offense was committed. And in case of such vacancy, recusation, absence or disability of one of said judges, on motion of the prosecuting officer, or of the accused or his counsel, the other judge, acting within his discretion, may proceed to try and discharge or convict and sentence parties accused of offenses charged to have been committed within the jurisdiction of the court wherein the vacancy exists, or whereof the judge is recused, absent or disabled. In like manner, acting also within his discretion, upon formal application made, he may, as committing magistrate, examine and discharge, bail or commit parties accused of offenses charged to have been committed within the territorial jurisdiction of the other City Criminal Court. In all such cases it shall be lawful for the judge assuming jurisdiction under the provisions of this paragraph to issue warrants of arrest, make preliminary orders and have the accused brought before him, although sitting in his own court; or he may, in his discretion, occupy the bench of the judge he replaces. Said judges shall be elected by the voters of the City of New Orleans, at large, for the term of four years, at the parochial and municipal election. They shall be learned in the law and shall have resided and practiced as attorneys in the City of New Orleans for not less than three years before their elec-

tion or appointment. The judges of said courts shall each receive a yearly compensation of \$3,000, payable monthly on his own warrant. Each judge shall appoint a clerk and such deputies as may be authorized by law, at salaries not exceeding \$1,200 per annum, except one deputy, who shall be a stenographer, and who may receive a salary not exceeding \$1,500 per annum, to be paid in monthly installments by the City of New Orleans.

Art. 141. The General Assembly shall provide for Recorders' Courts in the City of New Orleans, to be presided over by magistrates, who need not be attorneys at law, but such courts shall have no jurisdiction except for the trial of offenses against city ordinances.

Art. 142. There shall be a civil and a criminal sheriff for the Parish of Orleans, who shall be elected by the voters of said parish for the term of four years. Their qualifications and duties other than as herein provided, shall be prescribed by law. Each of said sheriffs shall execute an official bond, the civil sheriff in the sum of fifty thousand dollars, and the criminal sheriff in the sum of ten thousand dollars; and the bonds of said sheriffs respectively shall be examined in open court by the judges of the District Court which he serves, and all testimony given in such examinations shall be reduced to writing and made of record in said court. The civil sheriff shall be executive officer of all the Civil Courts in the Parish of Orleans, except the City Courts; and the criminal sheriff shall be the executive officer of all the Criminal Courts in said parish.

The civil sheriff shall appoint as many deputies as in his opinion are needed for the efficient discharge of the duties of his office. The Court of Appeal for the Parish of Orleans and each judge of the Civil District Court shall name one deputy to be so appointed, who shall serve as crier in said court, and in the divisions presided over by said judges respectively, and who shall each receive a salary of six hundred dollars per annum to be paid by the sheriff. When not engaged in court they shall perform such duties as the sheriff may require.

The civil sheriff shall receive as compensation such fees as may be now or hereafter allowed by law, and shall pay his deputies and all expenses of his office.

In cases where the said sheriff is a party in interest, one of his deputies shall act.

The criminal sheriff shall receive an annual salary of three thousand six hundred dollars per annum, which shall be paid by the City of New Orleans in equal monthly installments, and he shall receive no other compensation; he shall appoint, with the approval of the judges of the Criminal District Court for the Parish of Orleans, as many deputies as in the opinion of said judges are needed for the efficient discharge of the duties of his office and the salaries of such 'deputies shall be fixed by the Council of the City of New Orleans, and paid in like manner as his own. Each judge of said Criminal District Court shall name one deputy to be so appointed, who shall serve as 'crier in the sections presided over by the judges respectively, and shall each receive a salary of one thousand dollars per annum. When not engaged in court they shall perform such other duties as the sheriff may require.

The criminal sheriff shall account to and settle with the City of New Orleans for all fines and judgments collected by him, without deductions of any kind, and 'all expenses of his office shall be borne by said corporation.

Art. 143. There shall be a First City Court in New Orleans, composed of three judges, each of whom shall receive a salary of twenty-four hundred dollars per annum, payable monthly on his own warrant. Said court shall have exclusive original jurisdiction when the defendant resides in that part of the City of New Orleans on the left bank of the Mississippi river, in all cases when the amount in dispute or the fund to be distributed does not exceed one hundred dollars exclusive of interest, including suits for the ownership or possession of movable property not exceeding that amount in value; and suits by landlords for possession of leased premises when the monthly or yearly rent, or 'the rent for the unexpired term of the lease does not exceed that amount.

The judges of said court shall have authority to issue marriage licenses, and celebrate marriages, subject to such conditions as may be imposed 'by law, and to execute commissions to take testimony, 'and to receive therefor the fees allowed by law; they shall adopt rules not in conflict with law for the fixing and trial of cases, and shall sit *en banc*, for the purpose of examining the bonds of the clerk and constable of said court,

and for the trial and removal of said officers, or either of them, in which proceedings they shall be governed by the provisions of this Constitution as far as they are applicable upon the subject of the bond and of the trial and the removal from office of the clerk of the Civil District Court.

The City of New Orleans shall provide suitable accommodations for said court, and cases filed in said court shall be allotted equally to the judges thereof. The pleadings in said court shall be in writing, prepared by the litigants, or their attorneys or by the clerk.

Art. 144. There shall be one clerk for said First City Court of New Orleans, who shall furnish bond in the sum of five thousand dollars; his qualifications and duties, except as herein provided, shall be determined by law; his salary shall be eighteen hundred dollars per annum, payable monthly. Each judge shall have the appointment of one deputy clerk, whose compensation shall not exceed twelve hundred dollars per annum. The clerk shall appoint such other deputies as may be authorized by law, provided that their total compensation shall at no time exceed the sum of eighteen hundred dollars per annum, unless ordered by the judges of the Civil District Court for the Parish of Orleans as hereinafter provided.

Art. 145. There shall be one constable for said court, who shall furnish bond in the sum of five thousand dollars, and who shall appoint such deputies as may be necessary, and at such salaries as he may fix and pay. Said deputies shall be removed at his pleasure, or at the pleasure of the court. His compensation shall be the fees of his office as now or hereafter fixed by law; he shall furnish and pay one deputy to attend the sittings of each judge, who shall have the selection of such deputy and who, when not engaged in court, shall perform such other duties as the constable may direct.

The clerk of the said court and the constable thereof shall be removable by the judges of said court sitting *en banc*, for the causes, and in the manner prescribed for the removal of the clerk of the Civil District Court, conformably to rules to be adopted by said judges, and subject to an appeal to the Court of Appeal for the Parish of Orleans.

Art. 146. The judges, clerk and constable of said court shall be elected for the term of four years by the qualified voters of the City of New Orleans on the left bank of the Mississippi river.

Art. 147. There shall also be a Second City Court in the City of New Orleans, on the right bank of the Mississippi river, now known as the Fifth District of the City of New Orleans; and said court shall have the same jurisdiction as the First City Court in all cases where the defendant resides in the Fifth District. There shall be one clerk for said City Court, who shall receive a salary of twelve hundred dollars per annum, payable monthly out of the fund hereinafter provided. There shall be a constable for said court, whose compensation shall be the fees of his office, as may be now or hereafter fixed by law. The judge of said court shall have the same qualifications and authority as the judges of the First City Court, and shall receive the same compensation. Said judge, clerk and constable shall be elected by the qualified voters of said Fifth District of the City of New Orleans, for the term of four years. The clerk and constable shall each furnish bond in the sum of one thousand dollars, to be approved by the judge of the court; and they shall be removable by the judge of said court after due trial, subject to an appeal to the Court of Appeal for the Parish of Orleans.

Art. 148. There shall be a District Attorney for the Parish of Orleans, who shall be elected by the voters of said parish for the term of four years, and shall receive an annual salary of one thousand dollars, and such fees as may be allowed by law; but no fees shall be allowed in criminal cases except upon conviction. He shall be a licensed attorney, and may appoint two assistants with like qualifications, at salaries not to exceed eighteen hundred dollars per annum. He shall appoint such other assistants as may be required, at salaries to be fixed and paid by him.

Art. 149. There shall be a register of conveyances and a recorder of mortgages for the Parish of Orleans, who shall be elected by the voters of said parish for the term of four years. Their qualifications and duties shall be as fixed by law; the register of conveyances shall furnish bond in the sum of fifteen thousand dollars, and the recorder of mortgages in the sum of



twenty-five thousand dollars, which said bonds shall be examined by the judges of the Civil District Court, and all testimony given in said examinations shall be reduced to writing and filed in the court; they shall appoint such deputies and at such salaries as are now authorized by law, or as hereinafter provided. They shall be governed, with respect to the fees and expenses of their offices, the manner of their compensation and their obligations with regard to accounting and settling, as hereinafter prescribed. The compensation of the register of conveyances shall be twenty-five hundred dollars per annum, and that of the recorder of mortgages shall be four thousand dollars per annum.

Art. 150. The successors to the two judges of the Civil District Court and the one judge of the Criminal District Court elected in 1904 shall be elected at the Congressional Election in 1916; and the successors to the three other judges of the Civil District Court and the one judge of the Criminal District Court elected in 1912 shall be elected at the Congressional election in 1924, and shall each assume office on the first Monday of January following.

Art. 151. The recorders of the City of New Orleans who may be serving at the time of the adoption of this Constitution, shall, unless removed for cause, continue in the exercise of their functions and jurisdiction, conformably to existing laws, until otherwise provided.

Art. 152. The election of judges and other officers for the Parish of Orleans and City of New Orleans, herein provided for, the time of which is not specially fixed, shall be held at the time of the parochial and municipal elections.

Art. 153. Until otherwise provided by law, the costs to be paid clerks, sheriffs, constables, recorder of mortgages and register of conveyances, shall be as now fixed, except that in no case shall the costs of filing appeals from the City Courts exceed the sum of five dollars.

Art. 154. The Clerk of the Civil District Court, Register of Conveyances, and Recorder of Mortgages for the Parish of Orleans, and the Clerks of the City Courts of New Orleans, shall keep accurate and detailed accounts in books to be used for that purpose, of all fees collected in their offices respectively, and they shall furnish daily to the Commissioner of Public Finance

transcripts of the said accounts duly certified by them or by their authority, and said officers shall also daily pay into the treasury of the City of New Orleans the whole amount of fees so collected which shall constitute the Judicial Expense Fund of the Parish of Orleans, and their salaries and those of their deputies as well as the expenses of their respective offices shall be paid therefrom, upon warrant signed by the presiding judge of the Civil District Court.

Art. 155. The control of the excess of the said Judicial Expense Fund of the Parish of Orleans, after paying the salaries hereinabove provided for and the salaries of such additional deputy clerks as may be authorized under the authority of the Court, and the expenses of the offices mentioned hereinbefore shall be vested in the judges of the Civil District Court for the Parish of Orleans.

Art. 156. There shall be no increase in the number of employes now authorized by law in the offices of the Recorder of Mortgages, the Register of Conveyances or the clerks of the City Courts, nor in their salaries, unless so ordered by the Civil District Court sitting *en banc*, and the number of employees of the clerk of the Civil District Court and their salaries shall be as determined by a majority of the judges thereof.

Art. 157. Vacancies occurring from any cause in any of the judicial offices of the Parish of Orleans or the City of New Orleans or in any elective office in the Parish of Orleans, where the unexpired term is for a longer period than one year, shall be filled by a special election to be called by the proper legal authority and held within sixty (60) days of the occurrence of the vacancy under the general election laws of this State. Where the unexpired portion of the term is less than one year the vacancy shall be filled for the remainder of the term by the Governor with the advice and consent of the Senate.

Art. 158. The fact that the officers and deputies herein provided for are paid by the City of New Orleans shall not make them officers or employes thereof.

#### GENERAL PROVISIONS.

Art. 159. The General Assembly shall grade all misdemeanors and minor offenses against the State, and shall fix the minimum and maximum penalties therefor.

Art. 160. No person shall be permitted to act as a juror, who, in due course of law, shall have been convicted of treason, perjury, forgery, bribery or other crime punishable by imprisonment in the penitentiary, or who shall be under interdiction.

Art. 161. Members of the General Assembly and all officers, before entering upon the duties of their respective offices, shall take the following oath or affirmation:

“I (A. B.) do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of this State; and that I will faithfully and impartially discharge and perform all the duties incumbent on me as———, according to the best of my ability and understanding. So help me God.”

Art. 162. The seat of government shall be and remain at the City of Baton Rouge.

Art. 163. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on his confession in open court.

Art. 164. No member of Congress, nor person holding or exercising any office of trust or profit under the United States, or any State, or under any foreign power, shall be eligible as a member of the General Assembly, or hold or exercise any office of trust or profit under the State.

Art. 165. The laws, public records, and the judicial and legislative written proceedings of the State, shall be promulgated, preserved and conducted in the English language; but the General Assembly may provide for the publication of the laws in the French language and provide that judicial advertisements, in certain designated cities and parishes, shall also be made in that language.

Art. 166. No ex-post facto law, nor any law impairing the obligations of contracts, shall be passed, nor vested rights be divested, unless for purposes of public utility, and for adequate compensation previously made.

Art. 167. Private property shall not be taken nor damaged for public purposes without just and adequate compensation being first paid.

Art. 168. No power of suspending the laws of this State shall be exercised unless by the General Assembly, or by its authority.

Art. 169. The General Assembly shall provide by law for change of venue in civil and criminal cases.

Art. 170. No person shall hold or exercise, at the same time, more than one office of trust or profit, except that of justice of the peace or notary public.

Art. 171. The General Assembly may determine the mode of filling vacancies in all offices, for the filling of which provision is not made in this Constitution.

Art. 172. All officers, except in case of impeachment or suspension, shall continue to discharge the duties of their offices until their successors shall have been inducted into office.

Art. 173. The military shall be in subordination to the civil power, and no soldier shall, in time of peace, be quartered in any house without the consent of the owner.

Art. 174. The General Assembly shall make it obligatory upon every parish to support all infirm, sick, and disabled paupers residing within its limits; provided, that every municipal corporation to which the powers of the police jury do not extend, shall support its own infirm, sick and disabled paupers.

Art. 175. No soldier, sailor, or marine, in the service of the United States, shall acquire a domicile in this State by reason of being stationed or doing duty in the same.

Art. 176. It shall be the duty of the General Assembly to pass such laws as may be proper and necessary to decide differences by arbitration.

Art. 177. The power of the courts to punish for contempt shall be limited by law.

Art. 178. Lotteries, and the sale of lottery tickets, are prohibited in this State.

Art. 179. In all proceedings or indictments for libel, the truth thereof may be given in evidence. The jury in all criminal cases shall be the judges of the law and of the facts on the

question of guilt or innocence, having been charged as to the law applicable to the case by the presiding judge.

Art. 180. No officer whose salary is fixed by this Constitution shall be allowed any fees or perquisites of office, except as otherwise provided for by this Constitution.

Art. 181. The regulation of the sale of alcoholic or spirituous liquors is declared a police regulation, and the General Assembly may enact laws regulating their sale and use.

Art. 182. No person who, at any time, may have been a collector of taxes, whether State, parish, or municipal, or who may have been otherwise entrusted with public money, shall be eligible to the General Assembly, or to any office of honor, profit, or trust, under the State government, or any parish, or municipality thereof, until he shall have obtained a discharge for the amount of such collections, and for all public money with which he may have been entrusted; and the General Assembly is empowered to enact laws providing for the suspension of public officials charged with the collection of public money, when such officials fail to account for same.

Art. 183. Any person who shall, directly or indirectly, offer or give any sum, or sums, of money, bribe, present, reward, promise, or any other thing to any officer, State, parochial, or municipal, or to any member or officer of the General Assembly, with the intent to induce or influence such officer, or member of the General Assembly, to appoint any person to office, to vote or exercise any power in him vested, or to perform any duty of him required, the person giving or offering to give, and the officer, or member of the General Assembly, so receiving any money, bribe, present, reward, promise, contract, obligation, or security, with the intent aforesaid, shall be guilty of bribery, and on being found guilty thereof by any court of competent jurisdiction, or by either House of the General Assembly of which he may be a member or officer, shall be forever disqualified from holding any office, State, parochial, or municipal, and shall be forever ineligible to a seat in the General Assembly; provided, that this shall not be so construed as to prevent the General Assembly from enacting additional penalties.

Art. 184. Any person may be compelled to testify in any lawful proceeding against any one who may be charged with

having committed the offense of bribery and shall not be permitted to withhold his testimony upon the ground that it may incriminate him or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceedings, except for perjury in giving such testimony.

Art. 185. The General Assembly shall pass laws to protect laborers on buildings, streets, roads, railroads, canals, and other similar works, against the failure of contractors and sub-contractors to pay their current wages when due, and to make the corporation, company, or individual, for whose benefit the work is done, responsible for their ultimate payment.

Art. 186. No mortgage or privilege on immovable property shall affect third persons, unless recorded or registered in the parish where the property is situated, in the manner and within the time as is now or may be prescribed by law, except privileges for expenses of last illness and privileges for taxes, State, district, parish, ward or municipal; provided, such tax liens, mortgages, and privileges, shall lapse in three years from the 31st day of December, in the year in which the taxes are levied, and whether now or hereafter recorded.

Art. 187. Privileges on movable property shall exist without registration of the same, except in such cases as the General Assembly may prescribe by law.

Art. 188. Gambling is a vice, and the General Assembly shall pass laws to suppress it.

Art. 189. The pernicious practice of dealing or gambling in futures on agricultural products or articles of necessity, where the intention of the parties is not to make an honest and bona fide delivery, is declared to be against public policy: and the General Assembly shall pass laws to suppress it.

Art. 190. It shall be unlawful for persons or corporations, or their legal representatives, to combine or conspire together, or to unite or pool their interests for the purpose of forcing up or down the price of any agricultural product or article of necessity, for speculative purposes; and all combinations, trusts, or conspiracies in restraint of trade or commerce, and all monopolies or combinations to monopolize trade or commerce, are hereby prohibited in the State of Louisiana, and it shall be the duty of the Attorney General, of his own motion, or any District Attorney of the State, when so directed by the Governor or the Attorney General, to enforce this provision, by injunction or other legal proceedings, in the name of the

State of Louisiana, and particularly by suits for the forfeiture of the charters of offending corporations, incorporated under the laws of the State of Louisiana, and for the ouster from the State of foreign corporations. Provided, however, that nothing herein contained shall prevent the Legislature from providing additional remedies for the enforcement of this article.

The provisions of this article are self-operative.

Art. 191. No member of the General Assembly, or public officer, or person elected or appointed to a public office under the laws of this State, shall directly or indirectly, ask, demand, accept, receive, or consent to receive, for his own use or benefit, or for the use or benefit of another, any free pass, free transportation, franking privilege, or discrimination in passenger, telegraph, or telephone rates, from any person or corporation, or make use of the same himself or in conjunction with another.

Any person who violates any provision of this Article shall forfeit his office, at the suit of the Attorney-General, or the District Attorney, to be brought at the domicile of the defendant, and shall be subject to such further penalty as may be prescribed by law.

Any corporation, or officer, or agent thereof, who shall give, or offer, or promise, to a public officer any such free pass, free transportation, franking privilege, or discrimination, shall be liable to punishment for each offense by a fine of five hundred dollars, to be recovered at the suit of the Attorney-General, or District Attorney, to be brought at the domicile of the officer to whom such free pass, free transportation, franking privilege, or discrimination, was given, offered, or promised.

No person, or officer, or agent, of a corporation, giving any such free pass, free transportation, franking privilege, or discrimination, hereby prohibited, shall be privileged from testifying in relation thereto; but he shall not be liable to civil or criminal prosecution therefor, if he shall testify to the giving of the same.

Art. 192. Whenever the General Assembly shall authorize a suit against the State it shall provide in the act authorizing the same, that such suit be instituted before the District Court at the State Capital; that citation to answer such suit shall be served both upon the Governor and the Attorney-General; that the Supreme Court of the State shall have appellate jurisdiction in such suit, without regard to the amount involved; that the only object of such suit, and the only effect of the judgment

therein, shall be a judicial interpretation of the legal rights of the parties for the consideration of the General Assembly in making appropriations; that the burden of proof shall rest upon the plaintiff or claimant to show that the claim sued upon is a legal and valid obligation of the State, incurred in strict conformity to law, not in violation of the Constitution of the State or of the United States, and for a valid consideration, and that all these things shall be affirmatively declared by the Supreme Court before any judgment is recognized for any purpose against the State.

Art. 193. Prescription shall not run against the State in any civil matter, unless otherwise provided in this Constitution, or expressly by law.

Art. 194. There shall be appointed by the Governor, by and with the advice and consent of the Senate, an Examiner of State Banks, who shall be an expert accountant, and who shall make examinations of all State banks at least twice in every year. His term of office shall be four years and the Legislature shall define his duties and fix his compensation.

Art. 195. The New Basin Canal and Shell Road, and their appurtenances, shall not be leased, nor alienated, nor shall the Carondelet Canal and Bayou St. John, and their appurtenances, be leased, or alienated when they shall come into the possession of the State.

Art. 196. The General Assembly may authorize the employment under State supervision and the proper officers and employes of the State, of convicts on public roads or other public works, or convict farms, or in manufactories owned or controlled by the State, under such provisions and restrictions as may be imposed by law, and shall enact laws necessary to carry these provisions into effect; and no convict sentenced to the State penitentiary shall ever be leased, or hired to any person, or persons, or corporation, private or public, or quasi-public, or board, save as herein authorized.

#### SUFFRAGE AND ELECTIONS.

Art. 197. Every male citizen of this State and of the United States, native born or naturalized, not less than twenty-one years of age, and possessing the following qualifications, shall be an elector, and shall be entitled to vote at any election in the State by the people, except as may be herein otherwise provided.



Sec. 1. He shall have been an actual bona-fide resident of this State for two years, of the parish one year and of the precinct in which he offers to vote six months next preceding the election; provided, that removal from one precinct to another in the same parish shall not operate to deprive any person of the right to vote in the precinct from which he has removed, until six months after such removal.

Sec. 2. He shall have been at the time he offers to vote, legally enrolled as a registered voter on his personal application, in accordance with the provisions of this Constitution, and the laws enacted thereunder.

Sec. 3. He shall be able to read and write, and shall demonstrate his ability to do so when he applies for registration, by making, under oath, administered by the registration officer or his deputy, written application therefor, in the English language, or his mother tongue, which application shall contain the essential facts necessary to show that he is entitled to register and vote, and shall be entirely written, dated and signed by him, in the presence of the registration officer or his deputy, without assistance or suggestion from any person or any memorandum whatever, except the form of application hereinafter set forth; provided, however, that if the applicant be unable to write his application in the English language, he shall have the right, if he so demands, to write the same in his mother tongue from the dictation of an interpreter; and if the applicant is unable to write his application by reason of physical disability, the same shall be written at his dictation by the registration officer or his deputy, upon his oath of such disability. The application for registration, above provided for, shall be a copy of the following form, with the proper names, dates and numbers substituted for the blanks appearing therein, to-wit:

I am a citizen of the State of Louisiana. My name is.....  
 I was born in the State (or country) of....., Parish (or county), of....., on the .. day of....., in the year.....  
 I am now.. years, ..months and ..days of age. I have resided in this State since...., in this parish ....., and in Precinct No. ...., of Ward No. ...., of this parish, since...., and I am not disfranchised by any provision of the Constitution of this State.

Sec. 4. If he be not able to read and write, as provided by Section 3 of this article, then he shall be entitled to register and vote if he shall, at the time he offers to register be the bona fide owner of property assessed to him in this State at a

valuation of not less than three hundred dollars on the assessment roll of the current year in which he offers to register, on the roll of the preceding year, if the roll of the current year shall not then have been completed and filed, and on which, if such property be personal only, all taxes due shall have been paid. The applicant for registration under this section shall make oath before the registration officer or his deputy, that he is a citizen of the United States and of this State, over the age of twenty-one years; that he possesses the qualifications prescribed in section one of this article, and that he is the owner of property assessed in this State to him at a valuation of not less than three hundred dollars, and if such property be personal only, that all taxes due thereon have been paid.

Sec. 5. Or, if possessing the requirements prescribed in Sections 1 and 2 of this article, he shall have been registered under Section 5 of Article 197 of the Constitution of 1898, under the Amendment thereto of 1912.

Art. 198. No person less than sixty years of age shall be permitted to vote at any election in the State who shall not, in addition to the qualifications above prescribed, have paid or before the 31st day of December, of each year, for the two years preceding the year in which he offers to vote, a poll tax of one dollar per annum, to be used exclusively in aid of the public schools of the parish in which such tax shall have been collected; which tax is hereby imposed on every male resident of this State, between the ages of twenty-one and sixty years. Poll taxes shall be a lien only upon assessed property, and legal process shall issue to enforce the collection of the same except against assessed property.

Every person liable for such tax shall, before being allowed to vote, exhibit to the Commissioners of Election his poll tax receipts for two years, issued on the official form, or duplicates thereof, in the event of loss, or proof of payment of such poll taxes may be made by a certificate of the tax collector, which shall be sent to the Commissioners of the several voting precincts, showing a list of those who have paid said two years poll taxes as above provided, and the dates of payment. It is hereby declared to be forgery, and punishable as such, for a tax collector or other person, to antedate, or alter, a poll tax receipt. Any person who shall pay the poll tax of another

advance him money for that purpose, in order to influence his vote, shall be guilty of bribery and punished accordingly. The provisions of this article as to the payment of poll taxes shall not apply to persons who are deaf and dumb, or blind, nor to persons under twenty-three years of age, who have paid all poll taxes assessed against them.

Art. 199. Upon all questions submitted to the taxpayers, as such, of any municipal or other political subdivision of this State, the qualifications of all such taxpayers, as voters, shall be those of age and residence prescribed by this Constitution, and women taxpayers shall have the right to vote at all such elections, without registration, in person or by their agents, authorized in writing; but all other persons voting at such elections shall be registered voters.

Art. 200. No person shall vote at any primary election or in any convention or other political assembly held for the purpose of nominating any candidate for public office, unless he is at the time a registered voter. And in all political conventions in this State the apportionment of representation shall be on the basis of population.

Art. 201. Any person possessing the qualifications prescribed by Sections 3, 4 or 5 of Article 197 of this Constitution, who may be denied registration, shall have the right to apply for relief to the District Court having jurisdiction of civil causes for the parish in which he offers to register, and the party cast in said suit shall have the right of appeal to the Supreme Court; and any citizen of the State shall have a like right to apply to said courts, to have stricken off any names illegally placed on said registration rolls under Sections 3, 4 or 5 of Article 197, and such applications and appeals shall be tried by said courts by preference, in open court or at chambers. The General Assembly shall provide by law for such applications and appeals without cost, and for the prosecution of all persons charged with illegal or fraudulent registration or voting, or any other crime or offense against the registration or election or primary election laws.

Art. 202. The following persons shall not be permitted to register, vote or hold any office or appointment of honor, trust or profit in this State, to-wit: Those who have been convicted of

any crime punishable by imprisonment in the penitentiary, and not afterwards pardoned with express restoration of franchise; those who are inmates of any charitable institution, except the Soldiers' Home; those actually confined in any public prison; all interdicted persons, and all persons notoriously insane or idiotic, whether interdicted or not.

Art. 203. In all elections by the people the electors shall vote by ballot, and the ballots cast shall be publicly counted. In all elections by persons in a representative capacity, the vote shall be *viva-voce*.

Art. 204. Electors shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from the same.

Art. 205. The General Assembly shall by law forbid the giving or selling of intoxicating drinks, on the day of any election, or primary election, within one mile of any polling place.

Art. 206. Until otherwise provided by law, the general State election shall be held once every four years on the Tuesday next following the third Monday in April.

Presidential electors and members of Congress shall be chosen or elected in the manner and at the time prescribed by law.

Art. 207. Parochial elections, except in the city of New Orleans, shall be held on the same day as the general State election, and not oftener than once in four years.

In the City of New Orleans parochial and municipal elections shall be held on the Tuesday following the first Monday of November, 1916, and of every fourth year thereafter, but the General Assembly may change the date of said election, provided, that the parochial and municipal elections shall be held together, and shall always be on a day separate and apart from the General State Election and not oftener than once in four years. The municipal and parochial officers in the City of New Orleans shall take their offices on the first Monday in the month of December following their election, until otherwise provided by law.

Art. 208. For the purpose of voting, no person shall be deemed to have gained a residence, by reason of his presence, or to have lost it by reason of his absence, while employed in the

service, either civil or military, of this State or of the United States; or while engaged in the navigation of the waters of the State or of the United States; or of the high seas; or while a student of any institution of learning.

Art. 209. The General Assembly shall provide by law for the trial and determination of contested elections of all public officers, whether State, judicial, parochial or municipal '(except Governor and Lieutenant Governor), which trials shall be by the courts of law and at the domicile of the party defendant.

Art. 210. No 'person shall be eligible to any office, State, judicial, parochial, municipal or ward, who is not a citizen of this State and a duly qualified elector of the State, district, parish, municipality or ward, wherein 'the functions of said office are to be performed, provided, however, that the appointment or election to office of factory inspectors, of either male or female 'persons, shall be allowed. And whenever any officer, State, judicial, parochial, municipal or ward, may change his residence from this State, or from the district, parish, municipality or ward in which he holds 'such office, the same shall thereby be vacated, any declaration of retention of domicile to the contrary notwithstanding.

Art. 211. Returns of 'elections for all civil officers who are to be commissioned by the Governor shall be made to the Secretary of State, unless otherwise provided in this Constitution.

Art. 212. All elections by the people, 'except primary elections and municipal elections in towns having a population of less than twenty-five hundred, when such elections are not held at the same time 'as general State elections, shall be by official ballot, printed and distributed at the expense of the State; and, until otherwise provided by law, such ballots shall have 'printed thereon, and at the head and immediately preceding the list of names of the candidates of each political party or nominating paper, a specific and separate device by which the political party and the candidates of 'such political party or nominating paper may be indicated. By stamping such device at the head of the list of candidates of each political party, or nominating paper, the voter may 'indicate that his vote is for the entire or straight ticket of the particular party or nominating paper employing the particular device allotted to 'such political party, or

nominating paper. When the voter does not desire to vote an entire straight party ticket, he may vote for candidates of any political party or nominating paper, by stamping a blank space to be left opposite the name of each candidate on said official ballot.

The General Assembly shall provide some plan by which the voters may prepare their ballots in secrecy at the polls. This article shall not be construed so as to prevent the names of independent candidates from being printed on the ballots with a device; and names of candidates may be written on the ballot. These provisions shall not apply to elections for the imposition of special taxes, for which the General Assembly shall provide special laws.

Art. 213. Electors shall not be registered within thirty days next preceding any election at which they may offer to vote, but applications to the courts, and appeals may be heard and determined, and revision take place at any time prior to the election, and no person who, in respect to age and residence, would become entitled to vote within the said thirty days, shall be excluded from registration on account of his want of qualifications at the time of his application for registration.

Art. 214. The General Assembly shall provide for the registration of voters throughout the State.

Art. 215. The General Assembly shall enact laws to secure fairness in party primary elections, conventions, or other methods of naming party candidates.

Art. 216. In the trial of contested elections and in proceedings for the investigation of elections, and in all criminal trials under the election laws, no person shall be permitted to withhold his testimony on the ground that he may incriminate himself or subject himself to public infamy, but such testimony shall not be used against him in any judicial proceedings except for perjury in giving such testimony.

#### IMPEACHMENT AND REMOVAL FROM OFFICE.

Art. 217. The Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, Superintendent of Public Education, Railroad Commissioners, and all elective officers for whose removal provision is not otherwise

made in this Constitution, and the Justices and Judges of all the Courts of Record in this State, shall be liable to impeachment for high crimes and misdemeanors, for nonfeasance or malfeasance in office, for incompetency, for corruption, favoritism, extortion or oppression in office, or for gross misconduct, or habitual drunkenness.

Art. 218. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate; when sitting for that purpose, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor of the State is on trial, the Chief Justice or the senior Associate Justice of the Supreme Court shall preside.

The Senate may adjourn the trial of any impeachment from time to time, as it may deem proper, and may sit for the purpose of such trial whether the House of Representatives be in session or not.

Judgment in cases of impeachment shall extend only to removal from office and disqualification from holding any office of honor, trust or profit, under the State, but the party, whether convicted or acquitted, shall nevertheless be liable to prosecution, trial and punishment according to law.

Art. 219. All officers against whom articles of impeachment are preferred, except the Governor or acting Governor, shall be suspended from office during the pendency of such impeachment, and excepting as otherwise provided in this Constitution, the appointing power shall make a provisional appointment to replace any suspended officer until the decision of the impeachment.

Art. 220. For any reasonable cause, whether sufficient for impeachment or not, any officer except the Governor or acting Governor, on the address of two-thirds of the members elected to each house of the General Assembly, shall thereby be removed. In every such case, the cause or causes for which such removal may be required shall be stated at length in the address and inserted in the Journal of each House.

Art. 221. For any of the causes specified in this Constitution, Judges of the Courts of Appeal, and of the District Courts throughout the State may be removed from office by judgment

of the Supreme Court, which is hereby vested with original jurisdiction to try such cases. The suit for removal may be instituted by the Attorney General or District Attorney, whenever in his opinion sufficient cause exists therefor; and it is hereby made the duty of the Attorney General, or District Attorney, to institute such suit whenever instructed in writing by the Governor so to do, or on the written request and information of twenty-five citizens and taxpayers residing within the territorial limits of the district or circuit over which the judge against whom the suit is sought to be brought exercises the functions of his office. Such suits shall be tried after citation and ten days' delay for answering; in preference to all other suits; but the pendency of such suit shall not operate a suspension from office. In all cases where the officer sued as above directed, shall be acquitted, and where the suit is instituted on the request and information of citizens, judgment shall be rendered jointly and in solido against the citizens signing the request, for all costs of the suit. Judgments in cases of removal under this Article shall extend not only to removal from office and disqualification from holding any office of honor, trust, or profit, under the State, but also to disqualification for the practice of law, and the party, whether convicted or not, shall nevertheless be liable to prosecution, trial and punishment according to law.

Art. 222. For any of the causes enumerated in Article 217, members of the State Board of Appraisers except the Auditor, and Railroad Commissioners, District Attorneys, Clerks of Court, Sheriffs, Coroners, Justices of the Peace, Judges of the City Courts, and of other inferior courts of the City of New Orleans and elsewhere, and all other parish, municipal and ward officers, may be removed by judgment of the District Court of the domicile of such officer (in the Parish of Orleans, the Civil District Court). The District Attorney may, whenever in his opinion sufficient cause exists therefor, institute such suit, and it shall be his duty (except when the suit is to be brought against himself) to institute such suit on the written request and information of twenty-five resident citizens and taxpayers, in the case of members of the State Board of Appraisers, Railroad Commissioners, district, parish, or municipal officers, and of ten resi-



dent citizens and taxpayers in the case of ward officers. Such suit shall be brought against a District Attorney upon such written request and information by the District Attorney of an adjoining district, or by counsel appointed by the judge for that purpose. In all suits instituted under this article the defendant, the State and the citizens and taxpayers, on whose information, and at whose request such suits may have been brought, or any one of them, shall have the right to appeal, both on the law and the facts, from the judgment of the court. In all cases where the officer sued, as above directed, shall be acquitted, judgment shall be rendered jointly and in solido against the citizens signing the request, for all costs of the suit.

In cases against members of the State Board of Appraisers, Railroad Commissioners, District Attorneys, Clerks and Sheriffs, the appeal shall be to the Supreme Court, and in cases against all other officers named in this article the appeal shall be to the Court of Appeal of the proper circuit.

Such appeals shall be returnable within ten days to the appellate court wherever it may be sitting or wherever it may hold its next session, and may be transferred by order of the judges of said court to another parish within their circuit, and such appeals shall be tried by preference over all others. In case of the refusal or neglect of the District Attorney or Attorney General to institute and prosecute any suit provided for in this and the preceding article, the citizens and taxpayers making the request, or any one of them, shall have the right by mandamus to compel him to perform such duty.

The institution and pendency of suits brought under this article shall not operate a suspension of the defendant from office.

Art. 223. On the recommendation of the Auditor or the Police Jury of any parish, the Governor may suspend any officer charged with the collection or custody of public funds when in arrears.

#### REVENUE AND TAXATION.

Art. 224. The taxing power may be exercised by the General Assembly for State purposes and by parishes and municipal corporations and public boards, under authority granted to them

by the General Assembly, for parish, municipal, and local purposes, strictly public in their nature.

Art. 225. Taxation shall be equal and uniform throughout the territorial limits of the authority levying the tax, and all property shall be taxed in proportion to its value, to be ascertained as directed by law; provided, the assessment of all property shall never exceed the actual cash value thereof; and, provided further, that the taxpayers shall have the right of testing the correctness of their assessments before the courts of justice. In order to arrive at this equality and uniformity, the General Assembly shall provide a system of equality and uniformity in assessments based upon the relative value of property in the different portions of the State. The valuations put upon property for the purposes of State taxation shall be taken as the proper valuation for purposes of local taxation, in every subdivision of the State.

Art. 226. There shall be and is hereby created a State Board of Appraisers, whose duty it shall be to assess the property belonging to corporations, associations, and individuals employed in railway, telegraph, telephone, sleeping car and express business throughout the State of Louisiana, which Board of Appraisers shall be composed of the Auditor and other members corresponding in number to the Congressional Districts of the State, to be elected by the Governor, Lieutenant Governor, Treasurer, Attorney General and Secretary of State, one member from each Congressional District, for the term of four years, and the General Assembly shall fix the compensation of said board.

Art. 227. The taxing power shall be exercised only to carry on and maintain the government of the State and the public institutions thereof, to educate the children of the State, to preserve the public health, to pay the principal and interest of the public debt, to suppress insurrection, to repel invasion or defend the State in time of war, to provide pensions for indigent Confederate soldiers and sailors, and their widows, to establish markers or monuments upon the battlefields of the country commemorative of the services of Louisiana soldiers on such fields, to maintain a memorial hall in New Orleans for the collection

and preservation of relics and memorials of the late 'Civil War, and for levee purposes, as hereinafter provided.

Art. 228. The power to tax corporations and corporate property shall never be surrendered nor suspended by act of the General Assembly.

Art. 229. The General Assembly may levy a license tax, and in such case shall graduate the amount of such tax to be collected from persons pursuing the several trades, professions, vocations and callings. All persons, associations of persons and corporations pursuing any trade, profession, business or calling may be rendered liable to such tax, except clerks, laborers, clergymen, school teachers, those engaged in mechanical, agricultural and horticultural pursuits, and manufacturers other than those of distilled alcoholic or malt liquors, tobacco, cigars and cotton seed oil.

Those engaged in the business of severing natural resources, such as timber and minerals, from the soil or water, whether they thereafter convert them by manufacturing or not, may also be rendered liable to a license tax, but in this case the amount to be collected may either be graduated or fixed according to the quantity or value of the product at the place where it is severed.

No political corporation shall impose a greater license tax than is imposed by the General Assembly for State purposes. This restriction shall not apply to dealers in distilled, alcoholic or malt liquors. The General Assembly shall have authority to provide that municipalities levying license taxes equal in amount to those levied by police juries for parochial purposes shall be exempted from the payment of such parochial licenses.

Art. 230. The following shall be exempt from taxation, and no other, viz.: All public property, places of religious worship, or burial, the rectories and parsonages of churches and grounds thereunto appurtenant, used exclusively as residences for the ministers in charge of such churches, all charitable institutions, all buildings and property used exclusively for public monuments or historical collections, colleges and other school purposes, the real and personal estate of any public library, and that of any other library association used by or connected with such library, all books and philosophical apparatus, and all

paintings and statuary of any company or association, kept in a public hall; provided, the property so exempted be not leased for purposes of private or corporate profit or income. There shall also be exempt from taxation household property to the value of five hundred dollars. There shall be exempt from taxation for a period of ten years from the date of its completion, any railroad or part of railroad that shall have been constructed and completed subsequently to January 1, 1905, and prior to January 1, 1909. This exemption shall include and apply to all the rights of way, roadbeds, sidings, rails, and other superstructures upon such rights of way, roadbeds or sidings; and to all depots, station-houses, buildings, erections and structures appurtenant to such railroads and the operation of the same; but shall not include the depots, warehouses, station-houses and other structures and appurtenances nor the land upon which they are erected at terminal points, and for which franchises have been granted and obtained; whether same remain the property of the present owner or owners, or be transferred or assigned to any corporation or corporations, person or persons whomsoever, and, provided further, that this exemption shall not apply to double tracks, sidings, switches, depots or other improvements or betterments, which may be constructed by railroads now in operation within the State, other than extensions or new lines constructed by such railroads. There shall be exempt from all taxation the legal reserve of life insurance companies organized under the laws of this State. The property or real estate belonging to any military organization of the State of Louisiana which is used by the State National Guard or militia for military purposes, such as arsenals or armories, while so used, shall be exempt from taxation. There shall also be exempt, from taxation, loans made upon the security of mortgages granted upon real estate situated in this State, as well as the mortgages granted to secure said loans, and the notes, bonds or other written instruments evidencing the said loans, whether in the hands of the mortgagee, or his or their transferees; and all loans made by life insurance companies to their policyholders, upon the sole security of policies held by the borrower in the company making the loans, as well as all notes or other written instruments, evidencing such loans; provided, that in the case of loans upon policies of life insurance, as afore-

said, the rate of interest charged upon such loans does not exceed five per cent (5%) per annum discount.

The capital, surplus and personal estate of every corporation organized after November 23rd, 1912, in this State for the sole purpose of lending money on mortgages on country property situated in Louisiana at a rate of interest not to exceed six per cent (6%) net to the borrower, with power to negotiate and handle bonds and securities issued by the various parishes and local districts and municipalities of the State of Louisiana shall be exempt from taxation for twenty (20) years from the date of the organization of said companies; provided, that said companies shall have a full-paid cash capital stock of not less than \$250,000.00; and, provided further, that in case any such corporation shall on any loan charge the borrower more than six per cent. interest, whether by way of commission, discount, or otherwise, it shall forfeit the entire exemption herein granted, and be subject to taxation from the time it makes such loan; and any such corporation handling or negotiating any securities other than those hereinabove mentioned shall incur a like forfeiture.

No such corporation shall have power to receive any money on deposit or to do a banking business of any sort, but all such corporations shall be under the control and supervision of the Examiner of State Banks, whose duty it shall be to report to the Attorney General any violation of the condition of this exemption.

Steamship companies organized as hereinafter set forth, together with their capital stock and all their property, corporeal and incorporeal, shall be exempt from all taxes and licenses, State, parish, levee and municipal, both general and special, exclusive of wharfage, shed or levee dues, for fifteen years from the date of filing with the Secretary of State proof that their authorized capital stock has been paid in full in cash.

No such steamship company shall have the benefit of this Constitutional provision except upon the following conditions:

First—That such company shall have been organized and the whole of its authorized capital stock paid in cash before January 1st, 1916.

Second—That such company shall be domiciled in the City of New Orleans, or in some other port of this State.

Third—That such company shall have a capital stock of at least three million dollars, payable only in cash.

Fourth—That it shall be provided in the charter of the company that no corporation, or firm, or individual shall own or control, either directly or indirectly, more than one-twentieth of the capital stock of the company; and that all pooling agreements and voting trusts between the stockholders to control the corporation shall be absolutely null and void and no stock held in any such pool or voting trust shall ever be voted at any corporate election or meeting.

Fifth—That the capital stock of each company shall be open to public subscription by public advertisement in New Orleans newspapers for at least three months before the books are closed, and if over-subscribed shall be apportioned among the subscribers.

Sixth—That all vessels operated by said company shall be common carriers on every voyage unless the whole capacity of the ship shall be chartered for a particular voyage or voyages for a particular purpose.

It shall be lawful for companies so organized in addition to the powers now provided by the laws of the State to incorporate into their charters all or any of the following powers:

First—To build, charter or purchase vessels.

Second—To insure goods, wares and merchandise carried in their own bottoms against fire and perils of the sea.

Third—To build, own, rent and operate shipyards, docks, piers, wharves and warehouses for the transaction of their business.

Fourth—To trade with foreign countries, including the foreign possessions of the United States, by exporting cargo carried thereto in their own vessels, and to import from foreign countries, including the foreign possessions of the United States, in their own vessels cargo for sale or exchange in the United States, but no ship of such a company shall be laden with the company's own cargo to the exclusion of cargo offered for such voyage by the general public, and such cargo offered by the

general public shall have preference on all voyages for which it is offered.

Fifth—to authorize corporations, foreign and domestic, to subscribe to and own shares of their capital stock, not however in excess of the limitation above provided.

No leased property or chartered ship shall be within the exemption herein granted, nor shall vessels of such corporations operated in the coasting trade of the United States, or operated between ports of the United States, other than Louisiana ports, and foreign countries, not including the foreign possessions of the United States, be within the exemption herein granted. One such voyage in any year shall subject the vessel making the voyage to taxation for that year.

The proof above required to be filed with the Secretary of State that the authorized capital stock has been paid in cash shall be the joint affidavit of the president and secretary of the company to that effect, accompanied by a verified trial balance of the company's books.

Each of said corporations shall possess the power of eminent domain for the purpose of acquiring land on which to erect a plant to build and repair vessels.

Art. 231. The General Assembly shall levy an annual poll tax of one dollar upon every male inhabitant in the State between the ages of twenty-one and sixty years, for the maintenance of the public schools in the parishes where collected.

Art. 232. The State tax on property for all purposes whatever, except those otherwise provided for in this Constitution, including expense of government, schools, levees, public roads and the public debt and interest thereon, shall not exceed, in any one year, six mills on the dollar of its assessed valuation, unless an additional tax is required under the terms of the Article of this Constitution relating to the public debt; and, except as otherwise provided in this Constitution, no parish, municipal or public board tax for all purposes whatsoever, shall exceed in any one year ten mills on the dollar of assessed valuation; provided, that for giving additional support to public schools, and for the purpose of erecting and constructing public buildings, public school houses, bridges, wharves, levees, sewerage work and other works of permanent public improvement, the title to which shall

be in the public, any parish, municipal corporation, ward or school district may levy a special tax in excess of said limitation, whenever the rate of such increase and the number of years it is to be levied and the purpose for which the tax is intended, shall have been submitted to a vote of the property taxpayers of such parish, municipality, ward or school district, entitled to vote under the laws of the State, and a majority of the same in number, and in amount voting at such election shall have voted therefor.

Art. 233. There shall be no forfeiture of property for the non-payment of taxes, State, levee district, parochial or municipal, but at the expiration of the year in which said taxes are due the collector shall, without suit, and after giving notice to the delinquent in the manner to be provided by law, advertise for sale in the official journal of the parish, city or municipality, provided there be an official journal in such parish, city or municipality, or if not, then, as is now or may be provided by law for sheriffs' sales, the property on which the taxes are due in the manner provided for judicial sales, and on the day of sale he shall sell such portion of the property as the debtor shall point out; and in case the debtor shall not point out sufficient property, the collector shall, at once and without further delay, sell the least quantity of property which any bidder will buy for the amount of taxes, interest and costs. The sale shall be without appraisalment, and the property sold shall be redeemable at any time for the space of one year, by paying the price given, including costs, and twenty per cent thereon. No judgment annulling a tax sale shall have effect until the price and all taxes and costs paid, with ten per cent. per annum interest on the amount of the price and taxes paid from date of respective payments, be previously paid to the purchaser; provided, this shall not apply to sales annulled on account of taxes having been paid prior to the date of sale, or dual assessments. All deeds of sale made, or that may be made, by the collectors of taxes, shall be received by courts in evidence as *prima facie* valid sales.

No sale of property for taxes shall be set aside for any cause, except on proof of dual assessment, or of payment of the taxes for which the property was sold prior to the date of the sale, unless the proceeding to annul is instituted within six



months from service of notice of sale, which notice shall not be served until the time of redemption has expired, and within three years from the date of recordation of the tax deed, if no notice is given. The manner of notice and form of proceeding to quiet tax titles shall be provided by law. Taxes on movables shall be collected by seizure and sale by the tax collector of the movable property of the delinquent, whether it be the property assessed or not, sufficient to pay the tax. Sale of such property shall be made at public auction, without appraisal, after ten days' advertisement, made within ten days from date of seizure, and shall be absolute and without redemption.

If the tax collector can find no corporeal movables of the delinquent to seize, he may levy on incorporeal rights, by notifying the debtor thereof, or he may proceed by summary rule in the courts to compel the delinquent to deliver up for sale property in his possession or under his control.

Art. 234. The tax shall be designated by the year in which it is collectable, and the tax on movable property shall be collected in the year in which the assessment is made.

Art. 235. The Legislature shall have power to levy, solely for the support of the public schools, a tax upon all inheritances, legacies, and donations; provided, no direct inheritance, or donation, to an ascendant or descendant, below ten thousand dollars in amount or value shall be so taxed; provided further, that no such tax shall exceed three per cent for direct inheritances and donations to ascendants or descendants, and ten per cent for collateral inheritances, and donations to collaterals or strangers; provided, bequests to educational, religious, or charitable institutions shall be exempt from this tax.

Art. 236. The tax provided for in the preceding article shall not be enforced when the property donated or inherited shall have borne its just proportion of taxes prior to the time of such donation or inheritance.

Art. 237. The Legislature shall pass no law postponing the payment of taxes, except in case of overflow, general conflagration, general destruction of crops, or other public calamity.

Art. 238. A levee system shall be maintained in the State, and a tax not to exceed one mill may be levied annually on all

property subject to taxation, and shall be applied exclusively to the maintenance and repairs of levees.

Art. 239. The General Assembly may divide the State into Levee Districts, and provide for the appointment or election of Levee Commissioners in said districts, who shall, in the method and manner to be provided by law, have supervision of the erection, repair, and maintenance of the levees in said districts; to that effect the Levee Commissioners may levy a tax not to exceed ten mills on the taxable property situated within the alluvial portions of said districts subject to overflow; provided, that in case of necessity to raise additional funds for the purpose of constructing, preserving, or repairing any levees protecting the lands of a district, the rate of taxation herein limited, may be increased, when the rate of such increase and the necessity and purpose for which it is intended shall have been submitted to a vote of the property taxpayers of such district, paying taxes for themselves, or in any representative capacity, whether resident or non-resident, on property situated within the alluvial portion of said district subject to overflow, and a majority of those in number and value, voting at such election, shall have voted therefor. The Board of Commissioners of the several levee districts, when authorized so to do by the State Board of Engineers, shall have full power and authority to contract with and permit any steam railroad corporation to construct, maintain, freely use and operate on the public levees, a railroad track or tracks; the supervision, control and general police power over such levees, however, to remain in and with the several levee boards. Provided, that nothing herein contained shall be construed as divesting either the General Assembly or the municipal government of any incorporated town or city in this State of the jurisdiction, control, or police power now vested in them, or either of them; and provided further, that no right or privilege shall be granted to any one or more railroad companies which shall preclude like grants to other companies willing to contribute pro rata to the common expense incurred or to be incurred.

The several levee districts of the State, for the purpose of refunding the bonds heretofore issued by them under authority granted by the Legislature, and in order that they may negotiate

to better advantage that portion of their authorized issue of bonds not yet disposed of, may issue bonds in lieu of said bonds outstanding or not yet disposed of. The Legislature shall pass an act to carry this provision into effect, but bonds issued under this provision shall not bear a rate of interest greater than five per cent, or be disposed of at less than par, and it shall not be obligatory on the holders of the said outstanding bonds to give up the same in exchange before the maturity thereof .

All the provisions of this article are held to apply to the levee district of which the City of New Orleans forms, or may hereafter form, a part; provided, that nothing herein shall be construed as affecting any existing legislation upon the subject of the taxing power of the commissioners of said district.

Art. 240. The provisions of the above two articles shall cease to have effect whenever the Federal government shall assume permanent control and provide the ways and means for the maintenance of levees in this State. The Federal government is authorized to make such geological, topographical, hydrographical and hydrometrical surveys and investigations within the State as may be necessary to carry into effect the act of Congress providing for the appointment of a Mississippi River Commission, for the improvement of said river, from the head of Passes near its mouth to the headwaters, and to construct and protect such public works and improvements as may be ordered by Congress under the provisions of said act.

Art. 241. The General Assembly shall have power, with the concurrence of an adjacent State or States, to create levee districts composed of territory partly in this State and partly in an adjacent State or States, and the Levee Commissioners for such district or districts shall possess all the powers provided by Art. 239 of this Constitution.

Art. 242. Corporations, companies, or associations organized or domiciled out of the State, but doing business therein, may be licensed and taxed by a mode different from that provided for home corporations or companies; provided, said different mode of license shall be uniform, upon a graduated system, and said different mode of taxation shall be equal and uniform as to all

such corporations, companies or associations that transact the same kind of business.

Art. 243. All the articles and provisions of this Constitution regulating and relating to the collection of State taxes and tax sales shall also apply to and regulate the collection of parish, district, municipal, board and ward taxes.

#### HOMESTEAD EXEMPTIONS.

Art. 244. There shall be exempt from seizure and sale by any process whatever, except as herein provided, and without registration, the homestead, *bona fide*, owned by the debtor and occupied by him, consisting of lands, not exceeding one hundred and sixty acres, buildings and appurtenances, whether rural or urban, of every head of a family, or person having a mother or father, or a person or persons dependent on him or her for support; also two work horses, one wagon or cart, one yoke of oxen, two cows and calves, twenty-five head of hogs, or one thousand pounds of bacon or its equivalent in pork, whether these exempted objects be attached to a homestead or not, and on a farm the necessary quantity of corn and fodder for the current year, and the necessary farming implements, to the value of two thousand dollars.

Provided, that in case the homestead exceeds two thousand dollars in value, the beneficiary shall be entitled to that amount in case a sale of the homestead under any legal process realizes more than that sum.

No husband shall have the benefit of a homestead, whose wife owns, and is in the actual enjoyment of property or means to the amount of two thousand dollars.

The benefit of this exemption may be claimed by the surviving spouse, or minor child or children, of a deceased beneficiary.

Art. 245. Rights to homesteads or exemptions, under laws or contracts, or obligations existing at the time of the adoption of this Constitution, shall not be impaired, repealed or affected by any provision of this Constitution, or any laws passed in pursuance thereof.

This exemption shall not apply to the following debts, to-wit:

1st. For the purchase price of property or any part of such price.

2d. For labor, money, and material, furnished for building, repairing or improving homesteads.

3d. For liabilities incurred by any public officer, or fiduciary, or any attorney at law, for money collected or received on deposit.

4th. For taxes or assessments.

5th. For rent which bears a privilege upon said property.

No court or ministerial officer of this State shall ever have jurisdiction, or authority, to enforce any judgment, execution, or decree, against the property exempted, as a homestead, except the debts above mentioned in numbers one, two, three, four and five, of this Article; provided, the property herein declared exempt shall not exceed in value two thousand dollars.

Art. 246. The right to sell any property that is exempt as a homestead shall be preserved; but no sale shall destroy or impair any rights of creditors thereon. Any person entitled to a homestead may waive the same, by signing with his wife, if she be not separated *a mensa et thoro*, and having recorded in the mortgage records of his parish, a written waiver of the same, in whole or in part. Such waiver may be either general or special, and shall have effect from the time of recording.

Art. 247. In the Parish of Orleans, the homestead to be valid shall be recorded as is now, or may be, provided by law.

#### PUBLIC EDUCATION..

Art. 248. There shall be free public schools for the white and colored races, separately established by the General Assembly, throughout the State for the education of all the children of the State between the ages of six and eighteen years; provided, that where kindergarten schools exist, children between the ages of four and six may be admitted into said schools. All funds raised by the State for the support of public schools, except poll taxes, shall be distributed to each parish in proportion to the number of children therein between the ages of six and eighteen years. The General Assembly shall provide for the enumeration of educable children.

Art. 249. There shall be elected by the qualified electors of the State a Superintendent of Public Education, who shall hold his office for the term of four years, and until his successor is qualified. His duties shall be prescribed by law, and he shall receive an annual salary of Five Thousand Dollars, payable monthly, on his warrant.

Art. 250. The General Assembly shall provide for the creation of a State Board, and Parish Boards of Public Education. The Parish Boards shall elect a Parish Superintendent of Public Education for their respective parishes, whose qualifications shall be fixed by the Legislature, and who shall be ex-officio secretary of the Parish Board. The salary of the Parish Superintendent shall be provided for by the General Assembly, to be paid out of the public school funds accruing to the respective parishes.

Art. 251. The general exercises in the public schools shall be conducted in the English language; provided, that the French language may be taught in those parishes or localities where the French language predominates, if no additional expense is incurred thereby.

Art. 252. The funds derived from the collection of the poll tax shall be applied exclusively to the maintenance of the public schools as organized under this Constitution, and shall be applied exclusively to the support of the public schools in the parish in which the same shall be collected, and shall be accounted for and paid by the collecting officer directly to the treasurer of the local school board.

Art. 253. No funds raised for the support of the public schools of the State shall be appropriated to or used for the support of any private or sectarian schools.

Art. 254. The school funds of the State shall consist of:

First. Not less than one and one-quarter mills of the taxes levied and collected by the State.

Second. The proceeds of taxation for school purposes as provided by this Constitution.

Third. The interest on the proceeds of all public lands heretofore granted or to be granted by the United States for the support of the public schools, and the revenue derived from such lands as may still remain unsold.

Fourth. Of lands and other property heretofore or hereafter bequeathed, granted or donated to the State for school purposes.

Fifth. All funds and property, other than unimproved lands, bequeathed or granted to the State, not designated for any other purpose.

Sixth. The proceeds of vacant estates falling under the law to the State of Louisiana.

Art. 255. The Legislature may appropriate to the same funds the proceeds of public lands not designated or set apart for any other purpose, and shall provide that every parish may levy a tax for the public schools therein, which shall not exceed the entire State tax; provided, that with such a tax the whole amount of parish taxes shall not exceed the limits of parish taxation fixed by this Constitution.

The City of New Orleans shall make such appropriation for the support, maintenance and repair of the public schools of said city as it may deem proper, but not less than eight-tenths of one mill for any one year; and said schools shall also continue to receive from the Board of Liquidation of the City Debt, the amounts to which they are now entitled under the Constitutional amendment, adopted in the year 1892.

The police juries of the several parishes and boards of trustees and municipal councils of incorporated cities and towns (the Parish of Orleans excepted) shall levy, collect and turn over to the parish school boards of their respective parishes for the support of the public schools of their respective parishes, cities or towns, the proceeds of at least three mills of the annual tax which they are empowered to levy on each dollar of the assessed valuation of the property thereof. Provided, that cities and towns that are not exempted by the terms of their charters from the payment of parish taxes and which are subjected to the similar burdens of taxation as are the parishes shall not pay this tax, as same is included in the taxes imposed by the parish in which the town is situated, unless the parish boards of school directors of that parish certify that the needs of the school can be met by a smaller levy of such taxes.

Art. 256. The Louisiana State University and Agricultural and Mechanical College, founded upon the land grants of the United States to endow a seminary of learning and a college for the benefit of agriculture and mechanical arts, now established and located in the City of Baton Rouge is hereby recognized; and all revenues derived and to be derived from the Seminary Fund, the Agricultural and Mechanical College Fund, and other funds or lands donated or to be donated by the United States to the State of Louisiana for the use of a seminary of learning, or of a college for the benefit of agriculture or the mechanic arts, shall be appropriated exclusively to the maintenance and support of said Louisiana State University and Agricultural and Mechanical College; and the General Assembly shall make such additional appropriations as may be necessary for its maintenance and support and improvement, and for the establishment, in connection with said institution, of such additional scientific or literary departments as the public necessities and the well being of the people of Louisiana may require.

The Tulane University of Louisiana, located in New Orleans, is hereby recognized as created and to be developed in accordance with the provisions of legislative act No. 43, approved July 5, 1884, and by approval of the electors, made part of the Constitution of the State.

Art. 257. The Louisiana State Normal School, established and located at Natchitoches; the Louisiana Industrial Institute, established and located at Ruston; the Southwestern Louisiana Industrial Institute, established and located at Lafayette; and the Southern University for the education of persons of color, are hereby recognized; and the General Assembly is directed to make such appropriations from time to time as may be necessary for the maintenance, support and improvement of these institutions; provided that the appropriation for the maintenance and support of the Southern University shall not exceed ten thousand dollars per annum.

Art. 258. The debt due by the State to the Free School Fund, declared by the Constitutions of 1879 and 1898 to be the sum of one million one hundred and thirty thousand eight hundred and sixty-seven dollars and fifty-one cents in principal, shall be kept on the books of the Auditor and Treas-



urer to the credit of the several townships entitled to the same; the said principal being the proceeds of the sales of lands heretofore granted by the United States for the use and support of free public schools, which amount shall be held by the State as a loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of four per cent. and that said interest shall be paid to the several townships in the State entitled to the same, in accordance with the Act of Congress, No. 68, approved February 15th, 1843.

Art. 259. The debt due by the State to the Seminary Fund is hereby declared to be one hundred and thirty-six thousand dollars, being the proceeds of the sale of lands heretofore granted by the United States to this State for the use of a seminary of learning, and said amount shall be kept to the credit of said fund on the books of the Auditor and Treasurer of the State as a perpetual loan, and the State shall pay an annual interest of four per cent. on said amount.

Art. 260. The debt due by the State to the Agricultural and Mechanical College Fund is hereby declared to be the sum of one hundred and eighty-two thousand three hundred and thirteen dollars and three cents, being the proceeds of the sale of lands and land scrip heretofore by the United States to this State for the use of a college for the benefit of agricultural and mechanical arts; and said amount shall be kept to the credit of said fund on the books of the Auditor and Treasurer of the State as a perpetual loan, and the State shall pay an annual interest of five per cent. on said amount.

Art. 261. All pupils in the primary grades in the public schools throughout the Parish of Orleans, unable to provide themselves with the requisite books, an affidavit to that effect having been made by one of the parents of such pupils, or if such parents be dead, then by the tutor or other person in charge of such pupils, shall be furnished with the necessary books free of expense, to be paid for out of the school fund of said parish; and the School Board of the Parish of Orleans is hereby directed to appropriate annually not less than two thousand dollars for the purpose named, provided such amount be needed.

## CORPORATIONS AND CORPORATE RIGHTS.

Art. 262. All charters granted to corporations shall be held subject to the right of the State to alter, amend or repeal the same.

And any corporation now existing which shall hereafter amend its charter shall thereby ipso facto become subject to the provisions of this article.

The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, nor renew, alter or amend the same, nor pass any general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

Art. 263. The exercise of the police power of the State shall never be abridged nor so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

Art. 264. No domestic or foreign corporations shall do any business in this State without having one or more known places of business and an authorized agent or agents in the State upon whom process may be served.

Art. 265. No corporation shall engage in any business other than that expressly authorized in its charter or incidental thereto, nor shall it take or hold any real estate for a longer period than ten years, except such as may be necessary and proper for its legitimate business or purposes.

Art. 266. No corporation shall issue stock or bonds, except for labor done or money or property actually received, and all fictitious issues of stock shall be void, and any corporation issuing such fictitious stock shall forfeit its charter.

Art. 267. The stock shall neither be increased nor decreased, except in pursuance of general laws, nor without consent of persons holding the larger amount in value of the stock, first obtained at a meeting of stockholders to be held 'after thirty days' notice given in pursuance of law.

Art. 268. The term corporation, as used in this Constitution, shall be construed to include all joint stock companies or asso-

ciations having any power or privilege not possessed by individuals or partnerships.

Art. 269. It shall be a crime, the punishment of which shall be prescribed by law, for any president, director, manager, cashier, or other officer or owner of any private or public bank or banking institution or other corporation accepting deposits or loans to assent to the reception of deposits, or the creation of debts by such banking institutions, after he shall have had knowledge of the fact that it is insolvent or in failing circumstances; any such officer, agent or manager shall be individually responsible for such deposits so received and all such debts so created with his assent.

Art. 270. The General Assembly shall have power to enact general laws authorizing the parochial, ward and municipal authorities of the State, by a vote of the majority of the property tax-payers in number entitled to vote under the provisions of this Constitution, and in value, to levy special taxes in aid of public improvements or railway enterprises; provided, that such tax shall not exceed the rate of five mills per annum, nor extend for a longer period than ten years; and provided further, that no taxpayer shall be permitted to vote at such election unless he shall have been assessed for property, the year previous, in the parish, ward or municipality to be affected.

Art. 271. Any railroad corporation or association organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad, and shall receive and transport each other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

Art. 272. Railways heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways, and railroad companies, common carrier.

Art. 273. Every railroad or other corporation, organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and where shall be kept for public inspection books

in which shall be recorded the amount of capital stock subscribed, the names of owners of stock, the amounts owned by them respectively, the amount of stock paid, and by whom, the transfers of said stock, with the date of transfer, the amount of its assets and liabilities, and the names and places of residence of its officers.

Art. 274. If any railroad company, organized under the laws of this State, shall consolidate, by sale or otherwise, with any railroad company organized under the laws of any other State or of the United States, the same shall not thereby become a foreign corporation, but the courts of this State shall retain jurisdiction in all matters which may arise, as if said consolidation had not taken place. In no case shall any consolidation take place except upon public notice of at least sixty days to all stockholders, in such manner as may be provided by law.

Art. 275. General laws shall be enacted providing for the creation of private corporations, and shall therein provide fully for the adequate protection of the public and of the individual stockholder.

Art. 276. The police juries of the several parishes and the constituted authorities of all incorporated municipalities of the State shall alone have the power of regulating the slaughtering of cattle and other live stock within their respective limits; provided, no monopoly or exclusive privilege shall exist in this State, nor such business be restricted to the land or houses of any individual or corporation; provided, the ordinances designating the places for slaughtering shall obtain the concurrent approval of the Board of Health or other sanitary organization.

#### PAROCHIAL AND MUNICIPAL CORPORATIONS.

Art. 277. The General Assembly may establish and organize new parishes, which shall be bodies corporate, with such powers as may be prescribed by law, but no new parish shall contain less than six hundred and twenty-five square miles, nor less than seven thousand inhabitants; nor shall any parish be reduced below that area, or number of inhabitants.

Art. 278. All laws changing parish lines, or removing parish seats, shall, before taking effect, be submitted to the electors of the parish or parishes to be affected thereby, at a special election

held for that purpose, and the lines, or the parish seat, shall remain unchanged unless two-thirds of the qualified electors of the parish or parishes affected thereby vote in favor thereof at such election.

Art. 279. Any parish may be dissolved and merged by the General Assembly into a contiguous parish or parishes, two-thirds of the qualified electors of the parish proposed to be dissolved voting in favor thereof at an election held for that purpose; provided, that the parish or parishes into which the dissolved parish proposes to become incorporated consents thereto by a majority of its qualified electors voting therefor.

Art. 280. Whenever a parish shall be enlarged or created from territory contiguous thereto, it shall be entitled to a just proportion of the property and assets, and be liable for a just proportion of the existing debts or liabilities of the parish or parishes from which such territory shall have been taken.

Art. 281. Section 1. Municipal corporations, parishes and school, drainage, sub-drainage, road, subroad, navigation, or sewerage districts, City of New Orleans excepted, hereinafter referred to as subdivisions of the State, when authorized by a vote of a majority, in number and amount of the property taxpayers, qualified to vote under the Constitution and laws of this State, who vote at an election held for that purpose, after due notice of said election has been published for thirty days in the official journal of the municipal corporation or parish or where there is no official journal, in a newspaper published therein, may, through their respective governing authorities, incur debts and issue negotiable bonds therefor, and each year while any bonds thus issued are outstanding, the governing authorities of such subdivisions shall impose and collect annually, in excess of all other taxes, a tax sufficient to pay the interest, annually or semi-annually, and the principal falling due each year, or such amount as may be required for any sinking fund necessary to retire said bonds at maturity; provided, that such special taxes, for all purposes as above set forth shall not in any year exceed ten mills on the dollar of assessed valuation of the property in such subdivisions.

No bonds shall be issued for any other purpose than that stated in the submission of the proposition to the taxpayers,

and published for thirty (30) days as aforesaid, or for a greater amount than therein mentioned; nor shall such bonds be issued for any other purpose than for constructing, improving and maintaining public roads and highways, paving and improving streets, roads and alleys, purchasing and constructing systems of waterworks, sewerage, drainage, navigation, lights, public parks and buildings, together with all necessary equipment and furnishing, bridges and other works of public improvement, the title to which shall rest in the subdivision creating the debt, as the case may be; nor shall such bonds run for a longer period than forty (40) years from their date or bear a greater rate of interest than five per centum (5) per annum, or be sold for less than par. The total issue of bonds by any subdivision for all purposes shall never exceed ten per centum (10) of the assessed valuation of the property in such subdivisions. Municipal councils are granted the authority to create within their limits one or more sewerage districts.

Sec. 2. Police juries in any parish or parishes may in accordance with law create drainage districts, which in addition to the powers hereinabove granted, shall have further power and authority to provide and maintain drainage systems and the governing authorities of such districts, when authorized by a majority in number and amount of the property taxpayers of said district qualified to vote under the Constitution and laws, who vote at an election held for that purpose, may impose and collect for a period not exceeding forty years forced contributions or acreage taxes not exceeding fifty cents per acre per year on every acre of land in the subdivision where such an election is held. The governing authority of such subdivision when authorized as set forth, may incur debt and issue negotiable bonds to represent same, secured by the taxes above described provided that the total amount of debts thus incurred or bonds issued, shall never exceed in principal and interest the aggregate amount to be raised by said annual contributions or acreage taxes during the period for which the same are imposed and that no such bonds shall be issued for any other purpose than that for which said contributions or acreage taxes were voted, run for a longer period than forty years, bear a greater rate of interest than five per centum per annum or be

sold for less than par. All bond issues heretofore authorized by taxpayers in any subdivision at any election not contested on any ground of fraud are hereby recognized and validated.

Sec. 3. When the character of any land is such that it must be leveed and pumped in order to be drained and reclaimed the Board of Drainage Commissioners of the District in which the land is situated, shall, upon the petition of not less than a majority in acreage of the property taxpayers, resident and non-resident, in the area to be affected, ascertain the cost of drainage, and reclaiming said land and incur debt against said land for an amount sufficient to drain and reclaim it, and issue for such debt negotiable bonds running not longer than forty (40) years from their date and bearing interest at a rate not exceeding five per centum per annum payable annually or semi-annually, which bonds shall not be sold for less than par; and said Board of Drainage Commissioners shall levy annually upon said land forced contributions or acreage taxes in an amount sufficient to maintain the drainage of said land, to pay the interest, annually or semi-annually, and the principal falling due each year, or such amount as may be required for any sinking fund provided for payment of said bonds at maturity, provided, that such forced contributions or acreage taxes, for all purposes shall never exceed Three Dollars and Fifty Cents (\$3.50) per acre per annum.

Sec. 4. The police juries of the various parishes throughout the State, for the purpose of constructing highways and public buildings for the parish, and the governing authorities of municipal corporations, for the purpose of paying or improving streets or alleys, and for all municipal improvements, after making provision for the payment of all statutory and ordinary charges, may fund into bonds running for a period not exceeding ten (10) years, and bearing interest at a rate not exceeding five (5) per centum per annum, which bonds shall not be sold for less than par, the avails of the residue of the ten (10) mill tax authorized by this Constitution.

Sec. 5. Should any of the aforesaid subdivisions of the State neglect or fail for any reason to impose or collect the taxes provided for in the foregoing sections, any person in interest may by summary proceedings in the district court having jurisdiction,

enforce the imposition or collection of such taxes, or both, and such proceedings shall be filed and triable free of any cost to the litigant.

Sec. 6. Municipal corporations, parishes and school, drainage, sub-drainage, road, subroad, navigation and sewerage districts (the City of New Orleans excepted), hereinafter referred to as subdivisions, when authorized to do so in the manner herein provided, may, for the purpose of readjusting, refunding, extending or unifying their bonded indebtedness, issue new bonds, covering any particular issue or issues of bonds or the whole outstanding bonded indebtedness incurred by such subdivision for the purpose specified in Section 1 of this article or any issue or refund issue bonds or renewal or refunding bonds issued by such subdivision in novation or renewal and any bonds, heretofore or hereafter issued for the purposes specified in said Section 1 of this Article. No bonds issued under this section shall run for more than forty (40) years from their date, bear a greater rate of interest than five per centum per annum, payable semi-annually or annually, or be sold by the subdivision issuing the same for less than par. Any bonds issued under this section may be either exchanged in whole or in part, value for value for bonds issued, or to be issued, under this Article, or sold and the proceeds thereof used for the purpose of purchasing outstanding bonds. Before any bonds shall be issued under this section the issuance thereof shall be authorized by a vote of a majority in number and amount of the property taxpayers qualified to vote under the Constitution and laws of this State who vote on the proposition at an election held for that purpose, after due notice of said election has been published for thirty days in the official journal of the parish or parishes in which said subdivisions are located, or where there is no official journal, in any newspaper published in such parish or parishes; provided, however, that the governing body of any such subdivision may in their discretion and without a vote of the property taxpayers, issue refunding or renewal bonds under this section, if the bonds to be refunded or renewed thereby have been or shall be issued for any of the purposes specified in Section 1 of this article, or in novation or renewal of any bonds issued or



to be issued for the said purposes specified in Section 1 of this Article, and such issue or issues so refunded or renewed have been or shall be authorized by a vote of a majority in number and amount of the property taxpayers qualified by a vote under the Constitution and laws of this State who voted or shall vote on the proposition at an election held for that purpose. When the bonds of any outstanding issue shall have been obtained either by purchase or exchange, the tax levy to pay for such bonds shall at once cease and such bonds be canceled. Each year while any refunding bonds issued under this paragraph are outstanding, the governing authorities of such subdivision shall levy and collect annually, in excess of all other taxes, a tax sufficient to pay the interest, annually or semi-annually, and the principal falling due or such amount as may be required for a sinking fund for the payment of said bonds at maturity, provided that such special ad valorem tax for all purposes shall not in any year exceed ten mills on the dollar of the assessed valuation of the property in such subdivision.

The governing body of any such subdivision shall have full power to adopt and pass all ordinances and resolutions necessary to carry the provisions of this section into effect. An election may be held under the provisions of this section at the same times and places and by the same election officers as an election on the question of incurring debt and issuing bonds under the provisions of Section 1 of this Article.

Where bonds of any subdivision have been heretofore issued for any of the purposes specified in Section 1 of this Article, and such issue has been authorized by the vote of a majority in number and amount of the property taxpayers qualified to vote under the Constitution and laws of this State who voted upon the proposition to issue such bonds at an election held for that purpose, and where such bonds have been issued and sold by such subdivision for not less than par value thereof, the said bonds, or any refund issue bonds, or renewal or refunding bonds issued in novation or renewal of bonds issued for said purposes specified in Section 1 of this Article, are hereby validated, ratified and confirmed; provided that such bonds did not at the time of their issue exceed ten per centum of the assessed valuation of the property in such subdivi-

vision, and such bonds hereby ratified, approved and confirmed shall be deemed to be the valid and incontestible obligations of such subdivision and a tax for the payment of the principal and interest thereof and to create a sinking fund for their redemption shall be levied and collected in the manner and within the limits prescribed by Section 1 of this Article. This entire Article is to be considered a full grant of power to the subdivisions of the State as set forth herein.

Art. 282. One-half of the net amount of all parish taxes and licenses, levied and collected within the corporate limits of the City of Baton Rouge, shall be paid over for the use of said city, by the officer collecting the same, to the officer charged with the custody of the funds of said city.

RAILROAD, EXPRESS, TELEPHONE, TELEGRAPH, STEAMBOAT AND  
SLEEPING CAR COMPANY COMMISSION.

Art. 283. A Railroad, Express, Telephone, Telegraph, Steamboat and other Water Craft, and Sleeping Car Commission, is hereby created; to be composed of three members, to be elected from the districts hereinafter named, at the time fixed for the Congressional election. The commissioners from each district shall be elected for a term of six years. The terms of the present Commissioners shall expire as follows: 1st District, 1916; 2nd District, 1914, and 3rd District, 1918. They shall be known as the Railroad Commission of Louisiana. The Commission shall meet and open an office and have its domicile at Baton Rouge, and shall elect one of their number chairman, and may appoint a secretary at a salary of fifteen hundred dollars per annum, and may meet and hold regular or special hearings at such other places as they may find necessary.

Art. 284. The power and authority is hereby vested in the commission, and it is hereby made its duty, to adopt, change or make reasonable and just rates, charges and regulations, to govern and regulate railroad, steamboat and other water craft, and sleeping car, freight and passenger tariffs and service, express rates, and telephone and telegraph charges, to correct abuses, and prevent unjust discrimination and extortion in the rates for the same, on the different railroads, steamboat and

other water craft, sleeping car, express, telephone and telegraph lines of this State, and to prevent such companies from charging any greater compensation in the aggregate for the like kind of property or passengers, or messages, for a shorter than a longer distance over the same line, unless authorized by the commission to do so in special cases; to require all railroads to build and maintain suitable depots, switches and appurtenances, wherever the same are reasonably necessary at stations, and to inspect railroads and to require them to keep their tracks and bridges in a safe condition, and to fix and adjust rates between branch or short lines and the great trunk lines with which they connect, and to enforce the same by having the penalties hereby prescribed inflicted through the proper courts having jurisdiction.

The commission shall have power to adopt and enforce such reasonable rules, regulations, and modes of procedure, as it may deem proper for the discharge of its duties, and to hear and determine complaints that may be made against the classification or rates it may establish, and to regulate the mode and manner of all investigations and hearings of railroad companies and other parties before it, in the establishment of rates, orders, charges, and other acts, required or authorized by these provisions. The Commissioners shall have power to summon and compel the attendance of witnesses, to swear witnesses, and to compel the production of books and papers, to take testimony under commission, and to punish for contempt as fully as is provided by law for the district courts.

Art. 285. If any railroad, express, telephone, telegraph, steamboat and other water craft, or sleeping car company, or other party in interest, be dissatisfied with the decision or fixing of any rate, classification, rule, charge, order, act or regulation, adopted by the Commission, such party may file a petition setting forth the cause of objection to such decision, act, rule, rate, charge, classification or order, or to either or to all of them, in a court of competent jurisdiction, at the domicile of the commission, against said commission as defendant, and either party to said action may appeal the case to the Supreme Court of the State, without regard to the amount involved, and all such cases, both in the trial and ap-

pellate courts, shall be tried summarily, and by preference over all other cases. Such cases may be tried in the court of the first instance either in chambers, or at term time; provided, all such appeals shall be returned to the Supreme Court within ten days after the decision of the lower court; and where the commission appeals, no bond shall be required. No bond, advanced costs or security for costs shall be required of said Commission in any case.

Art. 286. If any railroad, express, telephone, telegraph, steamboat, or other water craft, or sleeping car company, subject hereto, directly or indirectly, or by any special rate, rebate, or any other device, shall intentionally charge, demand, collect or receive from any person, firm or corporation, a greater or less compensation for any service rendered by it, than it charges, demands or receives from any other person, firm or corporation, for doing a like and contemporaneous service, or shall violate any of the rates, charges, orders, rules or decisions of said Commission, such railroad, or steamboat, or other water craft, express, telegraph, telephone, or sleeping car company, shall forfeit and pay to the State not less than One Hundred Dollars nor more than Five Thousand Dollars, to be recovered before any court of competent jurisdiction, at the suit of the State, at the domicile of the commission.

Provided, that every order or decision of the commission fixing and establishing a rate or charge for the transportation of passengers or freight, or for the transmission of messages or conversations by telephone or telegraph, within the State shall go into effect at such time as may be fixed by the commission and shall remain in effect and be complied with, unless and until set aside by the commisison, or by a final judgment of a court of competent jurisdiction, rendered on final trial in a suit to set aside and annul the same.

Provided, that, whenever any rate, charge, rule, regulation, order or decision of the commission is contested in court, as provided by this Constitution, or by any amendment thereto, and the same is maintained on final trial by a court of competent jurisdiction, the railroad, express, telephone, telegraph, steamboat or other water craft, or sleeping car company, or corporation contesting the same, shall forfeit and pay to the State

of Louisiana the sum of not less than Ten (\$10.00) Dollars, nor more than Fifty (\$50.00) Dollars per day, for each day that the putting into effect and operation of the rate, order, charge, rule, regulation, or decision of the commission may have been suspended by such suit, to be found and adjudged by the court in which such suit may be brought; and in all such cases the said court shall, in its judgment, maintaining said rate, charge, rule, regulation, order or decision, enter up a decree and judgment against the plaintiff therein, condemning such plaintiff to pay to the State of Louisiana the amount of the said penalty of forfeiture so found and adjudged by it, which amount, after deducting therefrom the attorney's fees provided by this Constitution, shall, when collected, be paid into the State treasury for account of the General School Fund of the State. The power and authority of the commission shall affect and include not only the transportation of passengers, freight, express matter, and telegraph and telephone messages between points within this State, and the use of such instruments within this State, but shall also affect and include all matters and things connected with and concerning the service to be given by railroad, express, telephone, telegraph, steamboat and other water craft, and sleeping car companies, and corporations in the State, and their operations within the State.

Art. 287. Until otherwise provided by law, the members of the commission shall each receive a salary of three thousand dollars per annum, payable monthly on his own warrant, and their actual traveling expenses, and those of their secretary; which expenses, and the salary of the secretary, shall be paid on the warrant of the Chairman of the commission on a sworn statement of their correctness.

Nothing herein shall prevent railroad, express, telegraph, telephone and steamboat or other water craft, or other companies, from serving free of cost, or at reduced rates, the State or any city, parish, or town government, or any charitable purpose, or any fair or exposition, or any destitute or indigent person, or the issuance of mileage or excursion tickets: nor to prevent railroads, steamboats or other water craft, from giving free transportation to ministers of religion, or inmates of

hospitals, or to railroad officers, agents, employes, attorneys, stockholders or directors, unless otherwise provided by this Constitution.

Art. 288. The General Assembly may add to or enlarge the powers and duties of said commission, or confer other powers and duties on them and may also provide additional clerical or other assistance that may be deemed necessary for the discharge of the duties of said commission, and may add other penalties to make the work of said commission effective.

It shall be the duty of the Attorney-General and the various District Attorneys, to aid said Commission in all legal matters, for which they shall receive not exceeding 25 per cent of all fines and forfeitures collected by them; provided, the Commission may employ other attorneys in lieu of these officers on like terms.

No person in the service of, or attorney for, any railway, express, telephone, telegraph, steamboat, or other water craft, sleeping car company or corporation, or pecuniarily interested in such company or corporation, shall hold the office of commissioner.

The fines collected, after paying the attorneys' fees and the costs in suits, in which the Commission may be cast for costs, shall be paid into the State treasury.

Art. 289. The State is hereby divided into three Railway Commission Districts, and one Commissioner shall be elected from each of said districts by a plurality of the voters of the respective districts. The First District shall comprise the parishes of Orleans, Plaquemines, St. Bernard, Jefferson, St. Charles, St. John the Baptist and St. James. The Second District shall comprise the parishes of Iberville, Ascension, Assumption, Lafourche, Terrebonne, St. Mary, Iberia, St. Martin, Lafayette, Vermilion, Cameron, Allen, Beauregard, Jefferson Davis, Calcasieu, Avoyelles, St. Landry, Evangeline, Pointe Coupee, West Feliciana, East Feliciana, West Baton Rouge, East Baton Rouge, St. Helena, Livingston, Tangipahoa, Washington, St. Tammany and Acadia. The Third District shall comprise the parishes of Rapides, Vernon, Sabine, Grant, Natchitoches, Winn, Red River, DeSoto, Caddo, Bossier, Webster, Bienville, Concordia, Caldwell, Franklin, Tensas, Madi-

son, Richland, Ouachita, Jackson, Lincoln, Union, Morehouse, East Carroll, West Carroll, Claiborne, La Salle and Catahoula.

#### RIPARIAN RIGHTS.

Art. 290. Riparian owners of property' on navigable rivers, lakes, and streams, within any city or town in this State having a population in excess of five thousand shall have the right to erect and maintain on the batture or banks owned by them, such wharves, buildings and improvements as may be required for the purposes of commerce and navigation, subject to the following conditions, and not otherwise, to-wit: Such owners shall first obtain the consent of the council, or other governing authority, and of the Board of Levee Commissioners, within whose municipal or levee district jurisdiction such wharves, buildings, and improvements are to be erected, and such consent having been obtained, shall erect the same in conformity to plans and specifications which shall have been first submitted to, and approved by, the engineer of such council, or other governing authority; and when so erected, such wharves, buildings, and improvements shall be, and remain, subject to the administration and control of such council, or other governing authority, with respect to their maintenance and to the fees and charges to be exacted for their use by the public, whenever any fee or charge is authorized to be and is made; and shall be and remain subject to the control of such Board of Levee Commissioners, in so far as may be necessary for the maintenance and administration of the levees in its jurisdiction. The council, or other governing authority, shall have the right to expropriate such wharves, buildings, and improvements, whenever necessary for public purposes, upon reimbursing the owner the cost of construction, less such depreciation as may have resulted from time and decay; such reimbursement, however, in no case to exceed the actual market value of the property. Provided, that nothing in this article shall be construed as affecting the right of the State, or of any political subdivision thereof, or of the several Boards of Levee Commissioners to appropriate without compensation such wharves, buildings, and improvements, when necessary for levee purposes.

## PUBLIC ROADS.

Art. 291. A special tax of one-fourth of one mill on the dollar on the assessed value of all property assessed for State taxation in the State of Louisiana is hereby assessed and levied, to be collected in the same manner and upon the same terms and conditions that other State taxes are assessed and collected, for the purpose of creating a Road Fund with which to construct and keep in repair the State highways or public roads throughout the State with the necessary culverts, bridges and drains and all other appurtenances incident and accessory thereto.

This tax shall be considered a part of the present six-mill tax authorized to be levied by this Constitution.

This Article shall be self-operative.

Art 292. The Police Juries of this State may form their respective parishes into road districts; and in order to raise funds for the purpose of constructing, maintaining and repairing the public roads and bridges of their parishes, they are authorized to set aside at least one mill per annum of the taxes levied by them, and to impose a per capita tax of not more than one dollar per annum upon each able-bodied male inhabitant of the parish between the ages of eighteen and fifty-five years, and levy an annual license of not less than twenty-five (25c) cents nor more than one dollar upon each vehicle, including bicycles, kept within said parishes or within a municipality thereof whether or not exempt in its charter from parochial taxation, and used for locomotion over public roads, in their respective parishes; which license shall be graduated. The provisions of this article relative to the per capita tax, shall not be operative in incorporated towns and cities that maintain their own streets.

To carry into effect the provisions of this Article the Police Juries may enact such ordinances of a civil nature as may be necessary to enforce the property and license tax, and of a criminal nature to enforce the per capita tax.

Police Juries and municipal corporations in the several parishes of this State may levy other taxes for the construction and maintenance of public roads and bridges within the territorial limits of said parishes, and may incur debt, and is-



sue negotiable bonds therefor in the manner and to the extent authorized under the provisions of Articles 232 and 281 of this Constitution and the Statutes adopted to carry them into effect. This Article shall be self-operative.

When any parish shall avail itself of the provisions of this article, the judge, in passing sentence on persons convicted of any offense, when the punishment imposed by law is imprisonment in the parish jail in the first instance, or in default of payment of fine, may sentence such persons to work on the public roads and bridges and any other public works of the parish; and when the punishment prescribed by law is imprisonment in the penitentiary, he may sentence the persons so convicted to work on the public roads and bridges and other public works of the parish where the crime was committed, if the sentence actually imposed does not exceed six months. All fines and penalties imposed on persons for infringement of any ordinance relative to roads and bridges, shall go, when collected, into the road and bridge fund of the parish.

Art. 293. The Police Jury shall relieve from compulsory road duty all persons who have paid the road and bridge tax and license levied against them.

Art. 294. The State Board of Engineers, whenever called on so to do, shall furnish the different road districts with plans and specifications for public roads, and such assistance and advice as will tend to create a uniform system of public roads throughout the State.

#### BOARD OF CHARITIES AND CORRECTIONS.

Art. 295. The Board of Charities and Corrections, consisting of six members, appointed by the Governor each for a term of six years, except in case of vacancy in office when the appointments shall be merely for the unexpired term, with the Governor as ex-officio chairman, shall remain as presently constituted.

The members of the board shall serve without compensation, and shall be authorized to elect a secretary, who shall

receive such salary as may be fixed by the General Assembly. The State shall provide an office for said board and the General Assembly shall make provision for its expenses.

The duties of the board shall be strictly visitorial, without administrative or executive powers. It shall visit and inspect all State, parish or municipal institutions which are of a charitable, eleemosynary, correctional, or reformatory character, and all private institutions of like character utilized or aided by parochial or municipal authority, and all private insane asylums, whether so utilized or aided or not.

The board shall report annually to the Governor, and to the General Assembly at each session thereof the actual condition of all the above institutions. The Board shall make such suggestions to the Governor and General Assembly as may be necessary and pertinent; provided, said suggestions are concurred in by a majority of the members of the board in control of each of said institutions. The officers in charge of said institutions shall furnish the board such information and statistics as it may require.

#### BOARDS OF HEALTH AND STATE MEDICINE.

Art. 296. The General Assembly shall create for the State, and for each parish and municipality therein, Boards of Health, and shall define their duties, and prescribe the powers thereof. The State Board of Health shall be composed of representative physicians from the various sections of the State.

Art. 297. The General Assembly shall provide for the interest of State medicine in all its departments; for the protection of the people from unqualified practitioners of medicine, and dentistry; for protecting confidential communications made to medical men by their patients while under professional treatment and for the purpose of such treatment; for protecting the people against the sale of injurious or adulterated drugs, foods and drinks, and against any and all adulterations of the general necessities of life of whatever kinds and character.

#### MILITIA.

Art. 298. The General Assembly shall have authority to provide by law how the militia of this State shall be organized,

officered, trained, armed and equipped, and of whom it shall consist.

Art. 299. The officers and men of the militia and volunteer forces shall receive no pay, rations or emoluments when not in active service by authority of the State.

Art. 300. The General Assembly may exempt from military service those who belong to religious societies whose tenets forbid them to bear arms; provided, a money equivalent for these services shall be exacted.

Art. 301. The Governor shall have power to call the militia into active service for the preservation of law and order, or when the public service may require it; provided, that the police force of any city, town or parish, shall not be organized or used as a part of the State militia.

#### PENSIONS.

Art. 302. The Soldiers' Home of the State of Louisiana, known as Camp Nicholls, shall be maintained by the State, and the General Assembly shall make an appropriation for each year based upon the number of inmates in said home on the first day of April of the year in which said appropriation is made, of one hundred and thirty dollars per capita, for the maintenance and clothing of such inmates from which two dollars per month shall be allowed to each inmate for his personal use, and shall make such further appropriations for buildings, repairs, and incidentals, as may be absolutely necessary.

Art. 303. A pension not to exceed eight dollars (\$8) per month shall be allowed to each Confederate soldier or sailor veteran who possesses all the following qualifications:

1. He shall have served honorably from the date of his enlistment until the close of the late Civil War, or until he was discharged or paroled, in some military organization regularly mustered into the army or navy of the Confederate States, and shall have remained true to the Confederate States until the surrender.

2. He shall not own property of more than one thousand dollars valuation and he shall not be physically able to earn a livelihood by his own labor.

3. He shall not be salaried or otherwise provided for by the State of Louisiana or by any other State or Government. In

case he enlisted in any organization mustered into said service as a Louisiana organization, or in case at the date of his enlistment he resided in the State of Louisiana, he shall have resided in this State for at least five years prior to his application for pension. In case he resided elsewhere than in this State, and enlisted in an organization not mustered in from Louisiana, or in the navy of the Confederate States, he shall have resided in this State, for at least fifteen years prior to his application for such pension. A like pension shall be granted to the widow in indigent circumstances, of such soldier or sailor whose marriage to her was contracted prior to January 1, 1885, and who shall not have married again; provided, that if her deceased husband served in an organization, mustered in from Louisiana, or if he resided in Louisiana, at the date of his enlistment, then in order that such widow shall be entitled to the pension as herein provided, she shall have resided in this State for at least five years prior to her application therefor; and if her deceased husband enlisted elsewhere than in Louisiana, and served in an organization not mustered in from Louisiana, such widow shall, in order to entitle her to a pension as herein provided, have resided in this State for not less than fifteen years prior to her application for such pension; provided further, that pensions whether to veterans or to widows, shall be allowed only from the date of application under this Article, and the total appropriations for all pensions in any one year, shall be the proceeds of an annual one mill tax, which is hereby levied on all taxable property in the State, provided said appropriation shall never be more than five hundred and fifty thousand dollars for any one year. Any accruing surplus from said tax fund shall be turned over to the common school fund; and the collection of any other tax or the making of any appropriation for pensions in excess of the amount of the one mill tax levied and collected and to be known as "Confederate Veteran Pension Fund," is hereby prohibited; and provided further, that the tax collectors and assessors shall receive no commissions for assessing and collecting said one mill tax herein provided. Provided that nothing in this Article shall be construed so as to prohibit the General Assembly from providing artificial limbs to disabled Confederate soldiers or sailors.

Art. 304. The General Assembly shall appropriate not less than twelve hundred dollars per annum for the maintenance in New Orleans of a memorial hall or repository for the collection and preservation of relics and mementoes of the late Civil War, and of other objects of interest, and shall be authorized to make suitable appropriations for the erection of monuments and markers on the battlefields of the country, commemorative of the services, upon such fields, of Louisiana soldiers and commands.

AGRICULTURE AND IMMIGRATION.

Art. 305. The existing Bureau of Agriculture and Immigration shall hereafter be known as the Louisiana State Board of Agriculture and Immigration, and shall be recognized as an integral part of the State government.

Art. 306. The Louisiana State Board of Agriculture and Immigration shall have the control and direction of all State agricultural organizations and State Farmers' Institutes, and shall adopt the needful measures for the securement of proper immigration.

It shall also encourage State, district and parish fairs and local agricultural organizations; and shall maintain effective control of the manufacture or sale, in this State, of fertilizers and Paris Green and for the suppression of adulteration and fraud therein. It shall perform such other duties and shall have such other powers as shall be prescribed by the General Assembly.

Art. 307. The State Board of Agriculture and Immigration shall consist of one member from each Congressional district, appointed by the Governor, by and with the advice and consent of the Senate, from men engaged in the leading agricultural interests of the State; the said members to hold their offices for six years, or until their successors are appointed. The Governor of the State, the Commissioner of Agriculture and Immigration, the President of the Louisiana State University and Agricultural and Mechanical College, the Vice President of the Board of Supervisors of the Louisiana State University and Agricultural and Mechanical College, and the Director of the State experimental stations are and shall be ex-officio members of this board. The members of said board shall serve without com-

pensation, except actual expenses incurred in attending the meetings.

Art. 308. The paramount importance of our agricultural interests, and the necessity of peopling with a desirable population the vast unoccupied areas of our fertile lands, require an enlargement of the duties and an expansion of the scope of the work of this board, for which the General Assembly shall enact such laws as may be necessary to carry out the provisions of this Title.

#### CITY OF NEW ORLEANS.

Art. 309. There shall be seven assessors in the City of New Orleans, who together, shall compose the Board of Assessors for the Parish of Orleans. One shall be elected from each municipal district of the City of New Orleans, and they shall be residents of the districts from which they are elected. Their terms shall be four years and the election shall be held at the same time as the parochial officers of the City of New Orleans and the Parish of Orleans are elected.

There shall be one State tax collector for the City of New Orleans, who shall be elected for the term of four (4) years. He shall receive a salary of five thousand dollars per annum, payable monthly. The fees received from delinquent tax debtors, as also the fee of one (\$1.00) dollar charged for tax research certificates to the person applying for same, shall be turned over to the State treasury.

The General Assembly shall appropriate such sum as may be necessary for the payment of the clerical expenses, rent, furniture and portorage for the office of said tax collector; provided, however, that the total amount of said appropriation shall not exceed the sum of thirty-five thousand (\$35,000) dollars per annum; and, provided further, that said appropriation shall be by items, showing the particular use to which such appropriated funds shall be applied.

Art. 310. There shall be one coroner for the Parish of Orleans, who shall be elected for four years by the qualified electors of said parish, and whose duties shall be fixed by law. He shall be *ex-officio* city physician of the City of New Orleans, and shall receive an annual salary of forty-eight hundred dollars. He shall be a practicing physician of said city and a

graduate of the medical department of some university of recognized standing. He shall appoint two assistants, having the same qualifications as himself; one at an annual salary of twenty-six hundred dollars, and one at an annual salary of six hundred dollars.

Art. 311. The assistant, whose salary is hereby fixed at six hundred dollars, shall be a resident of the Fifth district of the City of New Orleans and shall have his office in said district.

The assistant, whose salary is fixed at twenty-six hundred dollars, shall be a resident of that portion of the City of New Orleans lying on the left bank of the Mississippi river.

The salaries of the coroner and his assistants shall be paid by the City of New Orleans.

Art. 312. Any person whose property may be appropriated by the Orleans Levee Board for levee purposes, shall have a right of action against said board in any court of competent jurisdiction for the value of said property, and whatever judgment may be finally rendered against the board shall be paid out of the taxes collected by it in the same manner as other disbursements are made; provided, that this shall not apply to bature property, nor to vacant property, where only a part thereof has been taken for levee purposes, and where the effect of the levee building would be to protect the remaining part of the same property; nor to any property on any part of the river front, the administration and control of which is vested, for the purposes of commerce, either in the State or city authorities, and on which improvements have been erected under grants from the City of New Orleans, or other authority, nor to the said improvements; provided, that said board shall have power to appropriate property subject to such servitude, for levee building, as under existing laws, without making such compensation in advance.

Art. 313. The special tax for public improvements, voted by the property tax-payers of the City of New Orleans, on June 6, 1899, and levied by the City Council by Ordinance No. 15,391, approved June 22, 1899, is hereby ratified, and its validity shall never be questioned. The Special Act adopted by the Legislature at the special session held on August 8, 1899, constituting

the Sewerage and Water Board of the City of New Orleans, authorizing the City of New Orleans to issue bonds and providing the means to pay the principal and interest thereof, and for other purposes cognate to the purposes of the special tax aforesaid is hereby ratified and approved, specially including therein reserved legislative right to amend the same; with the exception that in fixing the rates to be charged private consumers of water, taken from the public water supply of the City of New Orleans, the Sewerage and Water Board shall base said rates, so as to provide for the maintenance and operation of the said water system and the public and private supply therefrom, and the cost of maintenance and operation of the public sewerage system; and the City of New Orleans shall be hereafter relieved of the duty of providing in its Annual Budget or otherwise for the maintenance and operation of the sewerage and water systems; and the said Board shall be authorized to use the collections from water rates charged to private consumers for the maintenance and operation of the public water system, and the public and private supply therefrom, and the cost of maintenance and operation of the public sewerage system and the creation of a sinking fund for an ultimate renewal of said systems; and any surplus existing, after providing for the uses aforesaid, may be used for the maintenance and operation of the public drainage system; provided that the rates charged private consumers shall never exceed the total rates charged private consumers by the Sewerage and Water Board, in force November 1, 1913.

Art. 314. The Sewerage and Water Board shall have authority, by a two-third vote of the members thereof, to grant a salary to the President Pro-Tempore of said Board, and to fix the amount thereof.

Art. 315. The provisions of Act 19 of 1906, and of Act 116 of 1908, relating to the issuance by the City of New Orleans of New Public Improvement Bonds to the extent of Eight Million Dollars, are also ratified and approved, and the respective amendments to the Constitution carrying same into effect are reaffirmed.

Art. 316. The Sewerage and Water Board of the City of New Orleans shall have authority until September 1st, 1914, to



do all construction work with the forces of the Board, or to let same by contract, as provided by Act 6 of the Special Session of 1899; provided that whenever the particular work to be done exceeds in cost the sum of twenty-five thousand (\$25,000.00) dollars, the same shall be let by contract, to the lowest bidder, in the manner provided by said Act.

The General Assembly at its regular session to be held in May, 1914, shall determine whether the permission herein given to said Sewerage and Water Board shall continue after the date hereinabove fixed.

Art. 317. The provisions of the amendment embodied in joint resolution of the General Assembly No. 110, approved July 8th, 1890, and thereafter ratified by the people and made part of the Constitution, are recognized as of full force and effect; the authority conferred upon the City of New Orleans and upon the Board of Liquidation of the City Debt, with respect to the issuance of constitutional bonds of the City of New Orleans, and to the levy and collection of a special *ad valorem* tax of one per cent. upon all the taxable property, real, personal and mixed, in said city, for the payment of said bonds, in principal and interest, and with respect to the manner of such payment, is confirmed, as are also all rights vested by said amendment in the present and future holders of said bonds; and no limitations imposed by other provisions of this Constitution upon the authority of the City of New Orleans shall be held to include, apply to, or affect the taxing power herein contemplated and confirmed.

Art. 318. The City of New Orleans, through the Board of Liquidation of the City Debt, shall have authority to issue registered bonds, and to authorize the exchange of registered bonds, for equal amounts of outstanding four per cent. coupon bonds of the City of New Orleans, having the same time to run and at the same rate of interest, and provide for their registration and payment of interest. All registered bonds issued by the City of New Orleans as herein provided shall have the same guarantees, and the holders of said bonds shall have the same privileges as are now secured by said act to the holders of coupon bonds. Said registered bonds shall be denominated "Registered Constitutional Bonds of the City of New Orleans, Authorized by Act. No. 110 of 1890."

Art. 319. The electors of the City of New Orleans and of any political corporation which may be established within the territory now, or which may hereafter be embraced within the corporate limits of said city, shall have the right to choose the public officers, who shall be charged with the exercise of the police power and with the administration of the affairs of said corporation in whole or in part. This article shall not apply to the Board of Liquidation of the City Debt, nor shall it be construed as prohibiting the establishment of boards or commissions, the members of which are elected by the Council or appointed by the Mayor with the consent of the Council. Nothing herein contained shall be so construed as to prevent the General Assembly from creating boards or commissions, whose powers shall extend in and beyond the Parish of Orleans, or as affecting present boards of that character; provided, that hereafter, in creating any board with such powers, or in filling vacancies therein, at least two-thirds of the members thereof shall be from the City of New Orleans, and elected by the people or Council thereof, or appointed by the Mayor as herein provided.

#### FIRE MARSHAL.

Art. 320. The office of Fire Marshal of the State of Louisiana as created by existing laws is hereby recognized. His compensation, jurisdiction, powers and duties shall be prescribed by the General Assembly, provided that until action by the General Assembly, the powers, duties, compensation and functions of said Fire Marshal shall remain as fixed by law, but the General Assembly shall have no power to extend these duties, powers and functions beyond those now specified by Act 122 of 1904 as amended by Act 152 of 1906 and Act 143 of 1910.

#### BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS.

Art. 321. The Bonds issued by the Board of Commissioners of the Port of New Orleans under the authority of Act 180 of 1908, not exceeding Three Million Five Hundred Thousand (\$3,500,000.00) Dollars in amount, dated January 1, 1909, bearing five (5%) per cent. per annum interest, payable semi-annually, the principal of which is payable at any time between July 1, 1924, and July 1, 1959, styled "Port Commission Bonds," and Act 180 of 1908 adopted as a Constitutional Amendment to-

gether with all the acts and proceedings of said Board, done pursuant thereto, are hereby ratified and approved and the validity of the said bonds and said acts and proceedings shall never be questioned. They shall be exempt from all taxation, State, parish and municipal, and the tutors of minors and curators of interdicts shall be authorized to invest the funds in their hands in such bonds. They may be registered and released from registry under such rules and regulations as may be prescribed by said Board of Commissioners of the Port of New Orleans, and no registered bonds shall be negotiable. They shall be receivable on deposit with the State, or its officers, or any of its political subdivisions or municipalities, in all cases where, by law, deposits of bonds are required or allowed to be made as security, with the State or its officers, or any of its political subdivisions or municipalities.

The principal and interest of said bonds shall be paid by preference from the revenues of the Board of Commissioners of the Port of New Orleans, and all revenues collectable under the laws, as then existing, shall be and are hereby pledged, to secure said bonds and interest. In no event shall the charges imposed by said Board, under the laws then existing, be reduced to an amount less than necessary for the payment of the principal and interest of said bonds; and the Board of Commissioners of the Port of New Orleans, as presently organized, and without diminution of existing territorial jurisdiction, shall continue in legal existence until all the bonds issued in accordance with said Act shall have been paid in principal and interest; provided, that the members of said Board shall be appointed by the Governor, subject to removal by the Governor, and the Governor shall have power to fill all vacancies.

Said Board shall place on deposit, on or before the first of April of every year, with the Treasurer of the State of Louisiana, to the credit of a special account to be styled "Interest Account," an amount equal to the annual interest on all bonds that may have been delivered. Said Treasurer is hereby empowered and directed, and it is made his duty, to pay any and all interest coupons that may be due when presented by any holder thereof. In the year 1924, and annually thereafter, said Board shall, in addition to the amount of the annual interest due on the

1st of July, place on deposit on or before April 1, with the Treasurer of the State of Louisiana, to the credit of a special account to be styled "Bond Redemption Account," a sum of one hundred thousand (\$100,000.00) dollars, and the said Treasurer is hereby empowered and directed, and it is made his duty, to pay, on the 1st of July, of the year 1924, and annually thereafter, out of said Bond Redemption Account, one hundred (100) of said bonds in the reverse order of their issue; and all bonds and coupons retired under this Act shall be by said Treasurer duly canceled and delivered to the Board of Commissioners of the Port of New Orleans, which shall receipt for same, and which shall retain and paste the same as vouchers, in a book to be by it kept for that purpose. It shall be the duty of said treasurer to require said deposits to be made as aforesaid; and in case of failure on the part of said Board to make said deposits, or to impose, under the law as then existing, the charges for the use of said wharves, landings, sheds and appurtenances thereto, or to collect the revenues therefrom in an amount sufficient to provide for the payment of interest due or to become due, and the redemption of bonds as provided therein, said Treasurer is hereby empowered and directed, and it is made his duty, to impose said charges and collect said revenues, and to apply the same to the purposes hereof, and to that extent, and for that purpose only, and for such time as may be necessary to that end, the said Treasurer is hereby authorized to exercise all the powers and is charged with all the duties vested in the Board of Commissioners of the Port of New Orleans.

That all of the provisions of Act 108 of 1908 and of this Title shall constitute a contract between the holders of the bonds issued thereunder, the State of Louisiana and the Board of Commissioners of the Port of New Orleans.

The Board of Commissioners of the Port of New Orleans shall, and it is hereby authorized and empowered to expend the proceeds of said bonds for the extension of existing wharves, for building new wharves, for erecting sheds, for constructing roadways and other improvements; for the purchase of suitable dredges, barges and tugboats; for the payment for wharves or other property purchased or expropriated, and for the payment of obligations heretofore contracted and outstanding; provided,

that no property shall be taken without just and adequate compensation previously paid.

On the thirty-first day of December of each year the said Board shall furnish a detailed account of its receipts and expenditures to the Governor of the State; which report shall be published once in the official journal of the City of New Orleans.

Art. 322. Sec. 1. The Board of Commissioners of the Port of New Orleans is hereby authorized to erect and operate warehouses and other structures necessary to the commerce of the Port of New Orleans, and to that end shall have the right to expropriate any property necessary for said purposes; and to pay for same by issuing mortgage or mortgages, bond or bonds, against the real estate and buildings erected thereon; said mortgage or mortgages, bond or bonds, are to be paid out of the net receipts after the payment of operating expenses; that the said Board of Commissioners of the Port of New Orleans are empowered to fix charges for storage on all goods or merchandise.

The said Board of Commissioners of the Port of New Orleans are empowered to issue receipts, negotiable or otherwise, for property or merchandise in its charge or possession; provided, however, that they shall not be liable for a greater amount than the value of the buildings and land upon which the warehouse or warehouses are erected, for any transaction arising from the storage of merchandise thereon or otherwise.

Sec. 2. The foregoing section is self-operative and the Board of Commissioners of the Port of New Orleans shall by ordinance or otherwise carry the same into effect. The authority granted thereby shall be a continuing authority and the first erection of a warehouse or warehouses thereunder shall not exhaust the power of the said Board of Commissioners. Bonds issued under the preceding section shall be paid by preference out of the receipts of the warehouse or warehouses erected therewith after payment of the operating expenses, and, so far as such net receipts may be insufficient, out of the entire receipts and revenues of the said port after the payment of operating expenses and prior bonded obligations; provided, that each issue of bonds under said authority shall be subordinate to previous issues thereunder.

And, provided further, that nothing herein shall be considered as impairing any rights appertaining to the holders of the bonds of the Board of Commissioners of the Port of New Orleans now outstanding.

The General Assembly may confer further and additional authority upon said board not inconsistent herewith.

PUBLIC BELT RAILROAD BONDS.

Art. 323. The Bonds of the City of New Orleans styled "Public Belt Railroad Bonds of the City of New Orleans," issued under the authority of Act 179 of 1908, adopted as an Amendment to the Constitution of 1898, in amount not exceeding Two Million (\$2,000,000.00) Dollars, dated January 1, 1909, bearing 5 per cent. per annum interest, the principal thereof payable at any time between July 1, 1939, and July 1, 1959, of the denomination and numbers as follows:

Five thousand (5,000) of one hundred (\$100) dollars each, numbered from 1 to 5,000, both inclusive; one thousand (1,000) of five hundred (\$500.00) dollars each, numbered from 5001 to 6000, both inclusive. One thousand (1,000) of one thousand (\$1,000.00) dollars each, numbered from 6001 to 7000, both inclusive, payable in lawful money of the United States, with semi-annual interest coupons attached, due July 1 and January 1, signed by the Mayor of the City of New Orleans and countersigned by the Comptroller and the Treasurer of the City of New Orleans, are hereby ratified and approved and their validity shall never be questioned. They shall be exempt from all taxation, State, parish and municipal, and the tutors of minors and curators of interdicts shall be authorized to invest all funds in their hands in such bonds. They may be registered and released from registry under such rules and regulations as may be prescribed by the City of New Orleans, and no registered bonds shall be negotiable. They shall be received on deposit with the State or its officers, or any of its political subdivisions or municipalities, in all cases where, by law, deposits of bonds are allowed or required to be made, as security with the State or its officers, or with any of its political subdivisions or municipalities.

The City of New Orleans is authorized to cause said bonds to be engraved and executed, and to sell said bonds, at such times and in such numbers and amounts, and upon such terms and conditions as the City of New Orleans may deem advisable; provided, that no sale shall be made by said city except upon sealed proposals to be submitted to said city after advertisement for the same shall be had for thirty (30) consecutive days in one or more daily newspaper or newspapers of the cities of New York and New Orleans, respectively, and provided that no sale shall be made by said city at a price less than par and accrued interest, the city to have always the right to reject any and all bids. Coupons attached to said bonds, past due at the time of delivery, shall be detached and canceled by said city before delivery of the bonds.

The principal and interest of said bonds shall be paid by preference from the revenues of the Public Belt Railroad of the City of New Orleans, after deducting the expenses of maintenance and operation, and all Public Belt revenues collectable under existing laws or ordinances, or amendments thereto, and all future Public Belt Railroad revenues, after deducting the expenses of maintenance and operation, are hereby pledged to secure said bonds and interest. The interest on said bonds is evidenced by coupons attached thereto, payable semi-annually by the Treasurer of the City of New Orleans, on the first days of July and January, and the City of New Orleans shall appropriate on or before the first days of April and October, to provide for the payment of the semi-annual interest due July 1 and January 1 of each subsequent year, out of the revenues of the Public Belt Railroad of the City of New Orleans, after deducting the expenses of maintenance and operation, which appropriations shall be credited on the books of the Treasurer of the City of New Orleans, to a special account to be styled "Public Belt Railroad Bond Interest Account," amounts equal to the semi-annual interest on all bonds that may have been delivered. The Treasurer of the City of New Orleans is hereby empowered and directed, and it is made his duty, to pay any and all such coupons that may be due when presented by any holder thereof.

In the year 1939, and annually thereafter, the City of New Orleans shall, in addition to the amount of the semi-annual interest due on the first of July and January of each year, appropriate on or before the first day of April, out of the revenues of the Public Belt Railroad of the City of New Orleans, after deducting the expenses of maintenance and operation, which appropriations shall be credited on the books of the Treasurer of the City of New Orleans to a special account to be styled "Public Belt Railroad Bond Redemption Account," the sum of one hundred thousand (\$100,000.00) dollars; and the said Treasurer is hereby empowered and directed, and it is made his duty to pay, on the first day of July, of the year 1939, and annually thereafter, out of said bond redemption account, one hundred thousand (\$100,000.00) dollars of said bonds, in the reverse order of their issue; and all bonds and coupons retired hereunder shall be by said Treasurer duly canceled and be pasted as vouchers in a book to be by said Treasurer kept for that purpose.

In case of failure on the part of the City of New Orleans to make said appropriations at the times herein fixed, and to administer and operate said Public Belt Railroad of the City of New Orleans, and to collect the revenues therefrom to provide for the payment of interest due, or to become due, and the redemption of bonds, as provided for herein, the Board of Commissioners of the Port of New Orleans is hereby authorized, empowered and directed, and it is made its duty, to administer and operate said Public Belt Railroad, to impose such charges as it may fix, and collect said revenues and levy and collect the special tax hereinafter provided for, and to apply the same to the purposes hereof; and to that extent and for that purpose only, and for such time as may be necessary to that end, said Board of Commissioners of the Port of New Orleans is hereby authorized to exercise all the powers and is charged with all the duties vested hereunder in the City of New Orleans.

In case there should be in any year a deficiency in the revenues aforesaid to pay the full interest upon all of said bonds outstanding, such deficiency of interest shall be funded into bonds of such denominations as may be necessary and conveni-



ent, bearing the same rate of interest as the original bonds, and having a term to run equal to the balance of the original bonds, but subject to call at will by the City of New Orleans; and, in case any such bonds are issued, they shall be stamped across their face "Interest Funding Bonds issued subject to immediate call"; and they shall be payable out of the special tax of two (2) mills per annum which shall be levied on and after January 1, 1943, as hereinafter provided. Said interest funding bonds shall have all the guaranties and securities provided for the original bonds herein, for the payment, principal and interest.

In case the revenues of the Public Belt Railroad of the City of New Orleans should not be sufficient to provide for the payment of the annual interest on, or for the redemption annually, on and after January 1, 1939, of any of said bonds, as hereinabove set forth, the redemption of said bonds shall be postponed until January 1, 1944, and the City of New Orleans shall levy upon all of the taxable property within the present territorial limits of said city a special tax of two (2) mills, beginning with and including the year 1943, the entire proceeds whereof shall be applied annually to the redemption of the bonds issued hereunder, and all interest that may be then or thereafter due thereon, and all outstanding "interest funding bonds," until all of said bonds shall have been retired in principal and interest. If any surplus of said two (2) mills tax in the last year of its levy shall exist, such surplus shall be dedicated to works of public improvement to be designated by the City of New Orleans.

The City of New Orleans is hereby authorized and empowered to expend the proceeds of said bonds for the construction and equipment of a Public Belt Railroad System in and for the City of New Orleans, including tracks, sidings, switches, spurs, crossovers and all appurtenances and accessories thereto; the building of depots, roundhouses, warehouses, sheds, stations, signals and all other necessary structures incident to the construction and equipment of railroads, for the purchase of locomotives, switch engines, cars and other necessary rolling stock; for the payment of property purchased or expropriated for the purpose of laying tracks, sidings, switches,

spurs, crossovers, etc., or for the erection of necessary structures and buildings incident to railroads; for the purchase of existing roadbeds, tracks, switches, sidings, spurs, crossovers, or for the expropriation of the same; for the purchase of barges and tug-boats and other property incident to the operation of a barge system; and generally for the purchase and equipment of all property, movable and immovable, necessary and proper to construct and equip said public belt railroad system, and, as an incident thereto, a barge system.

There shall be and there is hereby irrevocably dedicated to the people of the City of New Orleans, for perpetual and exclusive public use, said Public Belt Railroad System, as the same has been heretofore, or may hereafter, be established by the City of New Orleans, the title and use of which said public belt railroad system shall be and shall forever be in the people of the City of New Orleans.

All laws, servitudes, privileges and rights in favor of the State of Louisiana, the City of New Orleans and the people of the City of New Orleans, now existing in or on the lands or property on or contiguous to the Mississippi River, shall continue to exist unimpaired until the full payment of the principal and interest of the bonds to be issued under this ordinance.

The City of New Orleans shall construct, equip, maintain and operate said Public Belt Railroad System of the City of New Orleans through and by means of such board or commission as may have been or may be organized by the City of New Orleans, the members of which shall be appointed by the Mayor of the City of New Orleans, with the consent of the Council, the powers, duties and functions of which shall be prescribed by the City of New Orleans. The City of New Orleans shall always have the power and authority to make such changes in the location of the tracks and roadbed of the Public Belt Railroad System as may by said city be deemed necessary or proper. The control, administration, management and supervision of the construction, maintenance, operation and development of the Public Belt Railroad of the City of New Orleans shall be exclusively vested and remain in such board or commission, which shall always be separate and distinct from that of any railroad

entering the City of New Orleans; and no director, officer or employee of any State or interstate railroad shall ever be allowed to act as a member of said commission, or as an officer of the Public Belt Railroad, or be employed by said Public Belt Railroad, and no rights or privileges shall be granted to any railroad company to control, manage, use or operate the said Public Belt Railroad System, or any part thereof; and said Public Belt Railroad System shall be and remain the sole property of the people of the City of New Orleans at all times, and shall in no way or manner ever be hypothecated or alienated; provided, however, that the revenues of said Public Belt Railroad of the City of New Orleans, after the deduction of the expenses of maintenance and operation, shall be and remain pledged for the payment of the bonds in principal and interest, the issue of which is herein authorized; to such extent as may be necessary under this act.

All the provisions hereof shall constitute a contract between the holder of the bonds issued under Act 179 of 1908 and of this Title, the State of Louisiana, the City of New Orleans and the Board of Commissioners of the Port of New Orleans.

#### PUBLIC DEBT.

Art. 324. Section 1. In order to pay the State's bonded debt of Eleven Million, One Hundred and Eight Thousand, Three Hundred Dollars, maturing January 1, 1914, the Board of Liquidation of the State Debt is hereby authorized:

(a) To issue and sell or exchange, or both, for such price, in such manner, at such time or times, of such denominations, in such amounts, and with such yearly maturities on any date in each year beginning the first calendar year after the issuance and not exceeding Fifty-one years from date of issuance, and such rate of interest not exceeding four and one-half per centum per annum, payable semi-annually, as it may deem advisable, Serial Bonds of the State of Louisiana in an amount sufficient to realize the sum necessary to settle or refund said indebtedness, except Five Hundred and Thirty Thousand, Nine Hundred and Thirty Dollars thereof due the Free School Fund, and except the Nine Thousand, Nine Hundred Dollars thereof held for exchange under Act No. 65 of 1892; provided that said

Bonds, or any of them, may, in the discretion of said Board, to be exercised before issuance, be made redeemable at any time on payment of principal and accrued interest, plus a premium of four per centum upon the principal, which redemption shall be in the reverse order of maturity; and provided further, that the first and last maturing coupons be made payable at whatever dates the said Board may see proper to fix. Notice of redemption (if redeemable bonds be issued), shall be given by thirty days' advertisement in one daily newspaper published in each of the cities of New Orleans, Chicago and New York, and interest shall cease at the maturity of the coupon next falling due.

Said bonds may, if so provided by the Board of Liquidation, be registered as to principal alone or as to principal and interest, in such manner and with such conditions and in such denominations as said Board may determine in advance of the issuance thereof, but said Board shall have no power to provide for the issuance of coupon bonds in exchange for registered bonds of such issue.

(b) To issue and sell or exchange, or both, pending a disposition of said bonds as aforesaid, with full discretion as to manner, price, form, denominations, maturities and interest, Temporary Refunding Bonds of the State of Louisiana in an amount sufficient to realize the sum necessary to settle said debt, or any part thereof, except the amount due the Free School Fund, and the amount of bonds held for exchange as above stated; provided said Temporary Refunding Bonds shall mature in not more than five years from the date of issuance and shall bear a rate of interest not exceeding five per centum per annum, payable on such dates, semi-annually or otherwise, as said Board shall determine.

To provide for the settlement at maturity of said Temporary Refunding Bonds, or any of them, if issued, it shall have full power and authority to issue and sell or exchange, or both, other Temporary Refunding Bonds under like terms and conditions in an amount sufficient to realize the sum necessary to settle the same and, in its discretion, to repeat such process as often as it may deem necessary; provided that any issue of such Temporary Refunding Bonds after the first, shall be advertised for sale. Should said Temporary Refunding Bonds be issued,

then the Serial Bonds above authorized shall be for an amount sufficient to realize the sum necessary to settle the indebtedness evidenced by the Temporary Refunding Bonds to be retired.

Said Board may reserve the right to call for payment and retire said Temporary Refunding Bonds prior to the maturities thereof, on giving fifteen days notice by publication in one daily newspaper published in each of the cities of New Orleans, Chicago and New York and on paying to the holder or holders the principal and accrued interest, plus a premium not exceeding one per centum of the principal thereof, the amount of said premium to be settled in like manner as the principal of said Temporary Refunding Bonds, the interest on which shall cease after the date fixed in the call.

Section 2. All bonds issued hereunder shall be signed by the Governor, attested by the Secretary of State under the seal of the State, and countersigned by the Auditor and the Treasurer. The interest may be represented by coupons attached thereto and bearing a fac-simile of said Treasurer's signature. Such bonds shall be deemed properly signed if signed by those who shall be such officers at the time they are signed, notwithstanding any change of officers prior to the actual issuance and delivery thereof. Said bonds and interest shall be payable to bearer or registered owner at such places as the Board of Liquidation of the State Debt may determine.

Should any of said bonds not be ready for delivery at the time they are sold or exchanged, Interim Certificates may be issued in lieu thereof in such form as the Board of Liquidation of the State Debt shall prescribe; which certificates shall be surrendered on delivery of the bonds respectively represented thereby.

Section 3. For the payment in gold coin of the United States of the present standard of weight and fineness of the principal and interest of all obligations issued hereunder, the faith and credit and resources of the State are hereby unconditionally and irrevocably pledged.

Section 4. Beginning the First Day of January, 1914, and until said obligations, with interest, shall have been satisfied, there is hereby levied on all property on which general State taxes are now or may hereafter be levied an annual tax of One

and Three-Twentieths Mills on the Dollar of assessed valuation, which tax is included as a part of the State tax of six mills authorized elsewhere in this Constitution to be levied for general purposes; provided, however, that should the net proceeds of said tax exceed Six Hundred and Seventy-Five Thousand Dollars in any year, the General Assembly may transfer the excess thereof to the General Fund, provided the amounts necessary to pay maturing bonds and to make the payments directed to be made in (1) and (2) of this section shall have been reserved.

The net proceeds of said tax shall be paid into the State Treasury and credited to a separate account to be known as the "State Bond and Interest Tax Fund," which is hereby dedicated and shall be devoted annually: (1) to the payment of the interest as it accrues on said Serial Bonds and Temporary Refunding Bonds and the interest amounting to Fifty-Nine Thousand, Seven Hundred and Ninety Dollars and Thirty-Nine Cents on the indebtedness of the State to the Free School Fund, the Seminary Fund and the Agricultural and Mechanical College Fund as fixed by the Constitution of 1879, and the interest on the debt of Five Hundred and Thirty Thousand, Nine Hundred and Thirty Dollars due the Free School Fund as herein fixed; (2) to the payment of the proper expenses of the Board of Liquidation of the State Debt, and of the Board of Audit and Exchange, not to exceed Three Thousand Dollars, and (3) the residue to a sinking fund to be applied by the Board of Liquidation of the State Debt to the payment or purchase of the Temporary Refunding Bonds and Serial Bonds issued hereunder. There is hereby levied, for each year in which the foregoing tax may not be sufficient to meet the payment of the bonds maturing in the following year and the payments provided for in (1) and (2) of this section, a special tax sufficient in amount to meet such payments, and the Auditor shall compute the rate necessary in any such year to produce the required amount and cause such tax to be extended upon the tax rolls for collection as other general State taxes are collected.

Said Board shall annually reserve in the State Treasury such amount of said sinking fund as it may deem sufficient to pay said Temporary Refunding Bonds and Serial Bonds as they

mature. The surplus of said sinking fund then remaining shall be applied annually by said Board either to the redemption of bonds under Paragraph (a) of Section 1 of this article, (if redeemable bonds be issued) or, in its discretion, to the purchase of bonds issued hereunder at the lowest relative price obtainable in the open market or after fifteen days advertisement in one daily newspaper in each of the cities of New Orleans, Chicago and New York.

Section 5. The surplus in the interest tax fund remaining under existing laws out of the revenues from the year 1913 and previous years shall be devoted by the Board of Liquidation of the State Debt to the payment of the cost of engraving, lithographing or printing the Temporary Refunding Bonds, Serial Bonds and Interim Certificates issued hereunder and all other expenses incurred by said Board as well as the unpaid part of the appropriations made by Act 158 of 1912 from said fund and the balance shall be transferred to the State Bond and Interest Tax Fund established in this article or in the discretion of said Board to the payment of the outstanding bonds to be retired.

Section 6. The Board of Liquidation of the State Debt is hereby given full power and authority to carry out the provisions of this article and in its judgment and discretion to make and prescribe rules, regulations, conditions and methods in all particulars not inconsistent with the terms of this article.

The said Board shall formulate such rules and regulations as early as practicable after the adoption of this Constitution and shall whenever it determines to offer the serial bonds herein authorized advertise in at least one daily paper in each of the cities of New Orleans, Chicago and New York, for a period of not less than five days the terms and conditions under which it will receive sealed bids for said Serial Bonds, reserving the right to reject any and all bids.

Section 7. The bonds of the State amounting to Five Hundred and Thirty Thousand, Nine Hundred and Thirty Dollars held by the State Treasurer for account of the Free School Fund of the State of Louisiana shall be paid by crediting the amount thereof to said fund, and said amount is hereby recognized as a debt of the State of Louisiana to said fund, additional to that recognized in Article 258, on which additional debt interest

shall be semi-annually paid for the use of the respective townships for whose benefit said bonds are held, at the rate carried by the Temporary Refunding Bonds herein provided for until their retirement and thereafter at the rate carried by the Serial Bonds to be issued hereunder, until said debt shall have been paid.

Section 8. The bonds now held for exchange under Act No. 65 of 1892 and amounting to Nine Thousand, Nine Hundred Dollars shall continue to be held for exchange as provided by said act and when exchanged shall be paid principal and accrued interest to January 1, 1914, by the Board of Liquidation out of the sinking fund provided for herein.

Section 9. On the payment or purchase of any bond or coupon herein authorized by the Auditor or any Fiscal Agent designated by the Board of Liquidation, said bond or coupon shall be immediately canceled by the Auditor or said Fiscal Agent by marking with a perforating machine across the face thereof the word "Paid." Bonds after being so paid and canceled shall be delivered to the Treasurer. Canceled coupons shall be delivered to the Auditor and pasted in books and kept in the permanent records of his office.

Once every year at such meeting as the Board of Liquidation of the State Debt may fix by rule, the Treasurer shall present all canceled bonds including those surrendered for exchange, to said Board, with a statement showing the numbers, amounts and maturities thereof and separately, the numbers, amounts and maturities of all bonds outstanding and unpaid.

The Board shall, in open session, carefully examine and compare the said bonds and statement. A proces verbal of said examination shall then be made and signed by each member present at said meeting, which, together with the canceled bonds and the statement rendered by the Treasurer, shall be delivered to the Auditor to be kept in the permanent archives of his office. Said proces verbal and statement shall be recorded in full in the Minutes of the Board and shall be published once in the official journal of the State.

The provisions of this section shall also apply to the bonds and coupons to be retired by the issue herein authorized and by the credit to the Free School Fund herein directed and likewise



to the Interim Certificates mentioned in Section Two of this article.

Section 10. The provisions of this article shall be self-operative.

#### AMENDMENTS TO THE CONSTITUTION.

Art. 325. Propositions for the amendment to this Constitution may be made by the General Assembly at any session thereof, and if two-thirds of all the members elected to each house shall concur therein, after such proposed amendments have been read in such respective houses on three separate days, such proposed amendment or amendments, together with the yeas and nays thereon, shall be entered on the Journal, and the Secretary of State shall cause the same to be published in two newspapers published in the Parish of Orleans and in one paper in each other parish of the State in which a newspaper is published for two months preceding an election for Representative in the General Assembly or in Congress, to be designated by the General Assembly at which time the said amendment or amendments shall be submitted to the electors for their approval or rejection; and if a majority voting on said amendment or amendments shall approve and ratify the same, then such amendment or amendments so approved and ratified shall become a part of the Constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately. The result of said election shall be made known by proclamation of the Governor.

#### SCHEDULE.

Art. 326. That no inconvenience may arise from the adoption of this Constitution, and in order to carry this Constitution into complete operation, it is hereby declared:

First—That all laws in force in this State, at the time of the adoption of this Constitution, not inconsistent therewith, and constitutional when enacted, shall remain in full force and effect until altered or repealed by the General Assembly, or until they expire by their own limitation.

Second—All writs, actions, causes of action, proceedings, prosecutions and rights of individuals, or bodies corporate, and of the State, when not inconsistent with this Constitution, shall continue as valid and in full force and effect.

Third—The provisions of all laws, which are inconsistent with this Constitution, shall cease upon its adoption, except that all laws which are inconsistent with such provisions of this Constitution as require legislation to enforce them, shall remain in full force until such legislation is had.

Fourth—All recognizances, obligations and all other instruments entered into or executed before the adoption of this Constitution, to the State, or to any parish, city, municipality, board, or other public corporation therein, and all fines, taxes, penalties, forfeitures and rights, due, owing or accruing to the State of Louisiana, or to any parish, city, municipality, board, or other public corporation therein under the Constitution and laws heretofore in force, and all writs, prosecutions, actions and proceedings, except as herein otherwise provided, shall continue and remain unaffected by the adoption of this Constitution. All indictments and informations which shall have been found or filed, or may hereafter be found or filed for any crime or offense committed before the adoption of this Constitution, may be prosecuted as if no change had been made, except as herein otherwise provided.

Fifth—All officers, executive, legislative and judicial, State, parish or municipal, who may be in office at the adoption of this Constitution, or who may be elected or appointed before the election or appointment of their successors as herein provided, shall hold their respective offices until their terms shall have expired, and until their successors are duly qualified, as provided in this Constitution, unless sooner removed, as may be provided by law; and shall receive the compensation now fixed by the Constitution and laws in force at the adoption of this Constitution, except as herein otherwise provided.

Sixth—The Constitution of this State, adopted in 1898, and all amendments thereto, are declared to be superseded by this Constitution. But the omission from this Constitution of any Article of the Constitution of 1898 and the amendments thereto or of any other existing Constitutional provision shall not amount to the repeal thereof, unless the same be inconsistent with this Constitution.

Seventh—The Supreme Court, Courts of Appeal, District Courts, City Courts and all other courts, provided for by this Constitution, are declared to be, and shall be construed to be the same courts as those of the same name, created by the Con-

stitution of 1898, and all amendments thereto and all writs, orders and process issued from said courts, which shall be pending, or in course of execution at the date when this Constitution goes into effect, together with all the records and archives of said courts, shall at once, by virtue of this article, be transferred to, and held to be cases pending in, and writs, orders and process issued from, and in course of execution, under the authority of, and records and archives of said courts respectively, as organized under this Constitution.

Eighth—This Constitution, adopted by the people of the State of Louisiana, in convention assembled, shall be in full force and effect from and after this the twenty-second day of November, 1913, save and except as otherwise provided in and by this Constitution.

Ninth—There shall be printed in pamphlet form 500 copies of the Journal of the Convention and 5,000 copies of this Constitution, and each member of this Convention shall be entitled to two copies of the Journal and 25 copies of the Constitution, including one copy of both bound together in leather. The remaining copies shall be delivered to the Secretary of State, to be disposed of as may now or hereafter be ordered by the General Assembly.

Done in Convention, in the City of Baton Rouge, on this the twenty-second day of November, in the year of our Lord, one thousand nine hundred and thirteen, and of the Independence of the United States of America, the one hundred and thirty-eighth.

[ORIGINAL SIGNED]

NEWTON C. BLANCHARD,  
President of the Convention,  
Member from Caddo.

ROBT. B. BUTLER,  
First Vice-President of the Convention,  
Member from Terrebonne.

CHAS. J. THEARD,  
Second Vice-President of the Convention,  
Member from Orleans, 6th  
Rep. Dist.

ATTEST:

ROBT. S. LANDRY,  
Secretary of the Convention.

[ORIGINAL SIGNED]

- HOMER BAROUSSE,  
Member from Acadia.
- H. H. GORDON,  
Member from Allen.
- R. N. SIMS,  
Member from Ascension.
- JOHN MARKS,  
Member from Assumption.
- J. W. JOFFRION,  
Member from Avoyelles.
- J. W. TOOKE,  
Member from Beauregard.
- W. U. RICHARDSON,  
Member from Bienville.
- W. H. HODGES, JR.,  
Member from Bossier.
- C. D. MOSS,  
Member from Calcasieu.
- C. P. THORNHILL,  
Member from Caldwell.
- (Failed to Report)  
Member from Cameron.
- A. R. JOHNSON,  
Member from Claiborne.
- STEVE R. HOLSTEIN,  
Member from Catahoula.
- JOHN ELLIOTT CLAYTON,  
Member from Concordia.
- C. W. ELAM,  
Member from De Soto.
- SAM'L. G. DAYCOCK,  
Member from East Baton Rouge.
- (Failed to sign)  
Member from East Carroll.
- R. F. WALKER,  
Member from East Feliciana.

[ORIGINAL SIGNED]

- L. L. VIDRINE,  
Member from Evangeline.
- (Failed to sign)  
Member from Franklin.
- C. H. TEAL,  
Member from Grant.
- WALTER J. BURKE,  
Member from Iberia.
- JULES A. CARVILLE,  
Member from Iberville.
- J. J. LEWIS,  
Member from Jackson.
- JNO. E. FLEURY,  
Member from Jefferson.
- S. A. PENNINGTON,  
Member from Jefferson Davis.
- L. L. JUDICE,  
Member from Lafayette.
- W. P. MARTIN,  
Member from Lafouerehe.
- NED L. KISER,  
Member from La Salle.
- S. D. PEARCE,  
Member from Lincoln.
- W. B. ROWND,  
Member from Livingston.
- DAVID M. EVANS,  
Member from Madison.
- II. FLOOD MADISON,  
Member from Morehouse.
- M. H. CARVER,  
Member from Natchitoches.
- JUNIUS GARLICK,  
Member from Orleans,  
1st Rep. Dist.

[ORIGINAL SIGNED]

- CHAS. D. O'CONNOR,  
Member from Orleans,  
2nd Rep. Dist.
- JOHN P. SULLIVAN,  
Member from Orleans,  
3rd Rep. Dist.
- JOSEPH VOEGTLE,  
Member from Orleans,  
4th Rep. Dist.
- JAMES O'CONNOR,  
Member from Orleans,  
5th Rep. Dist.
- C. F. LABARRE,  
Member from Orleans,  
7th Rep. Dist.
- THOS. SMITH,  
Member from Orleans,  
8th Rep. Dist.
- JOHN L. FELIU,  
Member from Orleans,  
9th Rep. Dist.
- BAT P. SULLIVAN,  
Member from Orleans,  
10th Rep. Dist.
- HENRY MOONEY,  
Member from Orleans,  
11th Rep. Dist.
- W. O. HART,  
Member from Orleans,  
12th Rep. Dist.
- G. G. KRONENBERGER,  
Member from Orleans,  
13th Rep. Dist.
- M. M. BOATNER,  
Member from Orleans,  
14th Rep. Dist.
- G. H. KOPPEL,  
Member from Orleans,  
15th Rep. Dist.

[ORIGINAL SIGNED]

- JOHN D. NIX, JR.,  
Member from Orleans,  
16th Rep. Dist.
- C. C. FRIEDRICKS,  
Member from Orleans,  
17th Rep. Dist.
- T. E. FLOURNOY,  
Member from Ouachita.
- SIMON LEOPOLD,  
Member from Plaquemines.
- ALBIN PROVOSTY,  
Member from Pointe Coupee.
- JAMES WALLACE ALEXANDER,  
Member from Rapides.
- (Died while attending Convention)  
Member from Red River.
- C. J. ELLIS,  
Member from Richland.
- SILAS D. PONDER,  
Member from Sabine.
- ADAM M. ESTOPINAL,  
Member from St. Bernard.
- LEON C. VIAL,  
Member from St. Charles.
- CHAS. J. COLE,  
Member from St. Helena.
- JOS. EDMOND DOUSSAN,  
Member from St. James.
- EUGENE DUMEZ,  
Member from St. John the Baptist.
- E. B. DUBUISSON,  
Member from St. Landry.
- D. C. LABBE,  
Member from St. Martin.
- JAS. R. PARKERSON,  
Member from St. Mary.

{ ORIGINAL SIGNED }

HARVEY E. ELLIS,  
Member from St. Tammany.

THOS. N. BANKSTON,  
Member from Tangipahoa.

G. H. CLINTON,  
Member from Tensas.

EDW. EVERETT,  
Member from Union.

L. O. BROUSSARD,  
Member from Vermilion.

FERN M. WOODS,  
Member from Vernon.

LINDSAY W. McDOUGALL,  
Member from Washington.

ROBERT ROBERTS, JR.,  
Member from Webster.

FRANCIS J. WHITEHEAD,  
Member from West Baton Rouge.

M. H. O'CONNELL,  
Member from West Carroll.

W. L. STIRLING,  
Member from West Feliciana.

W. M. WALLACE,  
Member from Winn.

STATE OF LOUISIANA.

I, the undersigned SECRETARY OF STATE of the STATE OF LOUISIANA, do hereby certify that the foregoing pages contain a true and correct copy of the Constitution of the State of Louisiana, adopted November 22nd., 1913, together with the names of the signers thereto as members of the Constitutional Convention, as is shown by comparing the same with the original of the said Constitution on file and of record in the archives of my office.

(Seal)

(Signed)

Given under my signature and authenticated with the impress of my Seal of Office, at the City of Baton Rouge, this the 29th day of November, A. D. 1913.



Secretary of State.



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